

**H.R. 2016, NATIONAL LANDSCAPE  
CONSERVATION SYSTEM ACT**

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**LEGISLATIVE HEARING**

BEFORE THE  
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS  
AND PUBLIC LANDS  
OF THE  
COMMITTEE ON NATURAL RESOURCES  
U.S. HOUSE OF REPRESENTATIVES  
ONE HUNDRED TENTH CONGRESS  
FIRST SESSION

Thursday, June 7, 2007

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# **LEGISLATIVE HEARING ON H.R. 2016, THE NATIONAL LANDSCAPE CONSERVATION SYSTEM ACT.**

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**Thursday, June 7, 2007  
U.S. House of Representatives  
Subcommittee on National Parks, Forests and Public Lands  
Committee on Natural Resources  
Washington, D.C.**

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The Subcommittee met, pursuant to call, at 4:01 p.m., in Room 1334, Longworth House Office Building, Hon. Raúl Grijalva [Chairman of the Subcommittee] presiding.

Present: Representatives Grijalva, Bishop, Lamborn, and Young.

## **STATEMENT OF THE HON. RAÚL GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA**

Mr. GRIJALVA. Thank you. Let me call the Subcommittee on National Parks, Forests and Public Lands to this hearing on H.R. 2016, the National Landscape Conversation System Act. I would like to welcome everyone to today's hearing on the legislation I introduced, and also thank you for keeping up with us today. We originally scheduled, I think, two other times, and because of the markup that we had at the full committee, this hearing is now at this time. I appreciate and thank everybody.

One of the witnesses, Mr. Trevis Butcher, had to catch a plane and will not be here with us, but his testimony will be obviously made part of the entire record.

I would like to thank all the witnesses that are here for joining us today, for their time and effort to be here. Their insights will be very helpful as the Subcommittee considers this legislation.

The National Landscape Conservation System exists on 26 million acres across the western United States and it exists in the Bureau of Land Management regulations. The NLCS does not exist, however, in statute. H.R. 2016 will remedy that by providing a simple, permanent congressional authorization for this conservation system within BLM. H.R. 2016 is straightforward legislation, only three pages long. The bill does not alter the management of any existing unit, nor change the overall management of the system.

The monuments, the NCAs, the wild and scenic rivers and other NLCS units will continue to be managed according to their enabling authority and other applicable laws. What this legislation

does do is provide the system with a congressional stamp of approval, giving the NLCS the direction and backing to flourish in the years to come.

We are well aware that the history of some of the units within the NLCS includes periods of controversy. Although many of the fears expressed at the time some of these units were designated never materialized, to reassure anyone who remains concerned, let me be clear. Nothing in this legislation increases Federal land ownership or regulation or impacts private land in any way. While we might support redesignations in the future, the bill does not include any new additions to the system.

H.R. 2016 is less about acreage or management and more about the BLM and its mission. In the not too distant past, the first step in any effort to conserve BLM land was to transfer the land to the National Park Service. The purpose of H.R. 2016 is to provide congressional recognition of BLM's effort to fulfill the conservation aspect of its multiple-use mandate by retaining and conserving these areas.

The units of NLCS are indeed special places. We welcome BLM's effort to conserve them for present and future generations and are eager to support the agency in that effort through H.R. 2016.

Mr. GRIJALVA. With that, I will turn to the Ranking Member, Mr. Bishop, for any opening comments he may have. Mr. Bishop.

[The statement submitted for the record by Trevis Butcher follows:]

**Statement submitted for the record by Trevis M. Butcher, Missouri River Land Users (Speaking for more than 10,000 neighbors directly affected by this proposed legislation)—Winifred, Montana**

Members of the Committee, I appreciate the opportunity to testify on H.R. 2016. I am going to restrict my testimony to address the impacts of this proposal regarding one of the specific Monuments included under the broad and monumental changes which this proposed legislation will impose through statute on rural Montana which I represent.

I own a cattle ranch which neighbors the southern boundary of the Missouri River Monument. This ranch has been in our family since the region was settled in 1914. I am the fourth generation to operate it and the fifth generation is currently at home haying while I have journeyed more than 2,000 miles to present this committee with some insight into the issues which have continually been ignored by advocates of this massive government take-over of my neighborhood.

The Missouri River National Monument designation was a last minute and poorly conceived Executive Order by former President Clinton in the final days of his Presidency. This designation under the Antiquities Act did not meet the basic criteria for designation under this Act. Secretary Babbitt and his supporters in conjunction with the BLM lied to the Montana citizens claiming it would meet the criteria. It was a general proclamation, without any defined boundaries, based on the premise of protecting a historic section of the Missouri River traversed by the Lewis and Clark Expedition. This section of the Missouri River had in fact been under Federal protection for forty years through the Wild and Scenic Act. It has been managed by the Bureau of Land Management (BLM) as a multiple use designation without problems emphasizing traditional agriculture usage, hunting, motorized boating, fishing, hiking, and other recreational uses. It is contingent to the Charles M. Russell National Wildlife Refuge which is the best example causing Montana citizens to oppose a proposed Monument. This proposed area has no need for "preservation" since it is maintained in much the same manner for the past 100 years.

This was where the problems have begun which members of this Committee and Congress needs to consider during deliberation in this body. The Missouri River Monument boundaries were not planned with public input and were simply arbitrarily defined "after the fact" by the BLM to encompass 477,000 acres which includes 81,000 acres of private property as well as over 40,000 acres of School Trust Land managed by the State of Montana to fund the educational needs of our stu-

dents. We could live with Monument boundaries 1/4 to 1/2 mile from the center of the River which respected private property rights and would protect the aesthetic view of the rim of the river corridor from any visual obstructions. It is simply not acceptable to control property ten to forty miles or more from the River Corridor “being protected” by the intent of this proposed legislation.

There are 120 families with privately owned land with in this proposed National Monument which is direct violation of the Antiquities Act restricting inclusion of private property in a monument designation. These family ranches face serious economic impacts to their operations as a result of the BLM’s proposed draconian restrictions on traditional ranching practices. Of even more concern is the financial impact to all areas of Montana government. Approximately, 46% of the State of Montana is already government land so only 54% of this 4th largest State provides the tax base to support local and state government services. The six counties directly impacted by this Monument and proposed restrictions already have large amounts of federal government land and the PILT payments periodically authorized by Congress does not adequately replace property taxes for our schools and local government services.

This designated Monument is also located in the middle of a large proven natural gas field with existing producing wells and a pipe-line on private property scattered throughout the Monument designation. I must call the Committee’s attention to the serious economic liability to the State School Trust Fund as well as to the private property owners within the Monument who will be unable to benefit from natural gas development thirty and forty miles from the “Scenic River Corridor.” In contrast private property south of the designated Monument (including my own) is scheduled for expansion of the gas development during the fall of 2007 which is in response to critical National energy requirements. The large gas field within the Monument boundaries is being ignored costing Montana schools over \$200,000 per day and twice that amount to the 120 private property owners within the Monument boundaries plus others who hold “split estate” mineral rights. I cannot emphasize enough that this legislation will grossly affect our basic property rights which is fundamental to our traditional American political and economic system.

The Legislation before this Committee would codify bad policy leaving no room for common sense management decisions addressing local needs. This legislation gives the BLM statutory authority to implement policies and regulations which establishes power through their management of scattered government owned land, over huge areas of private property. Beyond the effects on the residents within the Monument, the rest of the citizens of this region will also be severely impacted. Under proposed BLM rules for Monument Management, the BLM is proposing closure of over half the existing access roads to private property and traditional recreational opportunities within the Monument boundaries. This is continuation of Federal policies resulting in Montana residents having lost 2/3 of access and trails during the last decade resulting from “east coast” mandated policies orchestrated within the Beltway and bowels of New York City by special interest groups lacking any concept of life in Montana.

For over 100 years this has been a continuous ranching economy with large fields of grain which has been farmed since the area was first homesteaded in 1910-1914 in addition to the thousands of cattle which graze throughout the area. The river bottoms, until the past 20 years when the BLM traded some of the land to other areas, was highly productive irrigated alfalfa hay land. Now there is still a few thousand acres of hay-land remaining with the rest managed by the BLM which has consequently reverted to desolate, weed infested habitat resulting in the traditional Elk and deer populations migrating from the Monument area on to adjoining private property in search of healthy ecosystems leaving the grossly mismanaged government property.

I want to emphasize, that contrary to the radical environmentalists who claim “to be saving wild lands for the future,” every inch of the “primitive area” has had cattle grazing, ranchers riding horses, hunters and recreationists traversing the entire area for the last 100 years. Members of Congress, this is a thriving area which is home to 120 ranches which the proponents are proposing to force to leave the area with their livestock and community economic base! This translates into the loss of 9,200 mother cows translating into a 25 million dollar regional impact.

I want to call the committee members’ attention to the unsettled case of former Congresswoman Helen Chenoweth in the U.S. Court of Claims which has declared that there is significant economic value to those grazing federal managed land. If applied to the Monument, this could have a “fee title” value of \$4,000 to \$6,000 per animal grazing unit. This places the total grazing values at approximately \$60 Million and far higher value on water rights held by the Monument’s in-holders. This

has yet to be addressed by the management plans proposed by the BLM and could add a significant liability to the federal government.

The people promoting the Missouri River Monument are either out-of-state financed activists who are new to the area or idealists who live in other parts of Montana. I would like to call members of this Committee's attention to the fact that the Montana legislature overwhelmingly passed a bi-partisan resolution in both 2001 and 2003 legislative sessions strongly opposing the Monument designation. Members of Congress these are the elected representatives who recognize how detrimental federal policies are on the people of Montana.

In addition the 13 BLM hearings regarding the proposed Monument restrictions and operating rules in 2006 was unanimously opposed by the County Commissioners and overwhelmingly opposed by the residents of the six affected Montana counties. In contrast the proponents had full-time paid staff trying to orchestrate support, but the majority of the testimony (even at the hearings held 200-300 miles from the Monument) was in opposition. Strong opposition to the Monument came from a true cross-section of sportsmen, boaters, airplane pilots (from across the West testifying to retain the ten "primitive air-strips" which have existed for over 50 years within the proposed Monument boundaries), motorists who have enjoyed scenic trips on the dusty dirt roads for decades, groups with disabilities, and of course the ranchers and businessmen who face economic ruin as the BLM begins implementation of draconian regulations which deny the traditional usage and access which has been enjoyed and promised by the BLM to thousands of people since the turn of the last Century.

I also want to point out that the Native American tribal leaders of the Fort Belknap Reservation which borders the Monument on the northeast boundary also testified in strong opposition to the BLM proposal repeating the general opposition expressed by other residents of the area. They stated in strong terms "You are taking our access, our rights, our land, and our children's future."

The people of Montana have been told for decades by the BLM, Forest Service and Federal Fish and Wildlife agencies that traditional usage at current levels would be respected. However, these Federal agencies have continually and systematically restricted access to a navigatable river which witnessed millions of tons of freight and thousands of passengers transported during the 1860's through the 1890's on this strip of River to Fort Benton which had over one mile of docks and wharfs to accommodate the economic activity. I must remind the congressmen that this is still a legally navigatable river which could open up increased litigation if the BLM management rules are implemented.

For the past 100 years the river has seen thousands of recreational craft replacing the side-wheelers and other 19th century merchant fleet with the continued activity of a thriving usage joining the thousands of cows plus maintaining habitat full of elk, deer, antelope and other wildlife being watched by the cowboys on their horses drinking out of the Missouri—all the while maintaining the areas pristine natural beauty. I want to emphasize that the scenic vistas and lush meadows that are used for photo backdrops are almost exclusively on private land—not Government land.

Montana boasts that 80% of its citizens are gun owners of which a large percentage hunts. The private property contained within the Monument is the basis for wild game management which has for five generations been Montana's premiere hunting location. The several thousand Montana's who opposed the Monument designation recognized that during the time federal government became involved in land management the number of game animals sharply decreased and restrictions and regulations escalated.

We are frustrated by the continual lies perpetuated through brochures, power point presentations, and media clips at taxpayer expense. Now the BLM and its expansive bureaucracy wants to "rescue this scenic area" from the very people who have lovingly maintained it for a half dozen generations and sustainably used its resources. For years the BLM personnel and decision makers were native Montana raised people who understood and appreciated the natural balance of managing this region to accommodate multiple usage principles. Now out-of-state environmentalists are shaping policies which are threatening the property rights of the 120 ranchers representing a half dozen generations who have lived and worked in the area declared in 2001 as a National Monument.

How can I convey the scenes of high school gyms and community centers with packed bleacher seats and floors packed with folding chairs all filled to capacity with young and old—toddlers carrying signs "don't take my daddy's farm" or teenagers carrying signs "hug a cowboy—not a tree!" Old and young waiting for hours to voice opposition or simply supporting the speakers expressing their upset over federal government policies which will end their children and grandchildren's hopes



to continue their way of life and the investments in money and “sweat” from their ancestors who have continuously ridden their horses over this land.

We saw the streets of historic Fort Benton (the birthplace of Montana) filled with large semi-tractor trucks pulling big cattle trailers for as far as you could see protesting the government take-over with billboards proclaiming “NO MONUMENT.” The BLM faced the parking lot in the city of Havre (fifty miles from the proposed Monument) filled with horses and riders who had traveled up to 100 miles from throughout the proposed monument area all protesting this misguided federal land grab. In Lewistown (the BLM headquarters for the Monument management) we saw the county court house surrounded with ATV and snowmobile owners protesting federal closure of the recreation roads in the Monument designation. We saw sportsmen crowding into every hearing throughout Montana and signing petitions opposing this Monument as “bad policy.”

UNFORTUNATELY, THE REST OF AMERICA DID NOT SEE THE OVERWHELMING OPPOSITION WHICH WAS EXHIBITED CONTINUALLY THROUGHOUT THE 13 PUBLIC HEARINGS MUCH TO THE DISTRESS OF THE BLM BUREAUCRACY WHO EXPECTED THE LOCAL NATIVES TO BOW TO THE AUTHORITY OF WASHINGTON BUREAUCRATS.

Because of private property rights including the land policy setting the scene for forced sales, illegal taking of traditional established access—representatives in the State political process are discussing the potential needs to increase funding for our attorney general’s office to prepare for legal challenges to remedy the legal issues which agriculture, sportsmen, recreation, and other groups are identifying as resulting from the Monument proposal.

I appreciate the opportunity to bring the concerns of the people of Montana to Congress. My only wish is that the members of this body could have attended the hearings in Montana and witnessed the passion, frustration, and tears of the residents of the proposed Monument area. It is difficult to properly convey the feelings of oppression from the “heel of the Washington D.C. bureaucracy” as Montana residents witness their property rights, livelihoods, and family dreams crushed under policies developed by out-of-state environmental activists. The power granted the BLM under this legislation combined with a presidential decision based on misguided political philosophy upsets the entire economic structure and the lives of hundreds of existing residents.

I want to emphasize that there is no shortage of government owned land in Montana with nearly 50% of the State comprised of government owned non-taxpaying property all of which is slowly being restricted from public use under Forest Service and Federal Fish and Wildlife management practices which now appears to be the direction the Bureau of Land Management will move under this proposed legislation.

The BLM has from the beginning said “...you have nothing to worry about; we will make sure your concerns and needs will be protected.” I do not see the hundreds of hours of testimony, the truck loads of individual written testimony (in contrast to “canned” environmental comments sent in by out-of-state activists and city folks who lack understanding of the area and impacts from their miss-guided proposals.) We are frustrated by the army of BLM staff members who promote their agenda at taxpayers’ expense while I have had to travel thousands of miles to be here today at my personal expense to express the concerns of my neighbors, county commissioners, state legislators (including my father), and the thousands of ordinary Montana residents who spent time attending hearings protesting misguided federal policy. We often feel helpless when we are restricted to only two witnesses to express our concerns in contrast the proponents being allowed three to four times as many special interest proponents.

In conclusion this legislation codifies on-going “one size fits all” radical environmental policy being implemented throughout the western United States destroying private property rights which is the foundation of our American economic and political system. I only ask you to consider the tens of thousands of ordinary tax-paying Americans who plead with you as elected representatives not to destroy their economic and cultural foundations in this insidious acquisition of private property by the government at the behest of the world-wide environmental movement.

[NOTE: Attachments have been retained in the Committee’s official files.]

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**STATEMENT OF THE HON. ROB BISHOP, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF UTAH**

Mr. BISHOP. Thank you, Mr. Chairman. I have serious concerns with H.R. 2016. Coming from a state where much of our land is

already under Federal lock and key, you should be able to understand why I am less than enthusiastic to see another layer of bureaucracy placed over us.

On the surface, proponents of the bill claim this does nothing more than codify a program created by the Clinton Administration which preserves and protects the lands that have a remarkable ability to, as Ms. Daly will put it, define who we are as a Nation. Some of the lands are remarkable but some of the other lands were created at the whim of special interest groups by a sympathetic President.

We are now told we need to create a system for these lands. Believe it or not, we have a system to protect nationally significant lands. It is called the National Park Service. This appears to be a thinly veiled attempt to insert restrictive National Park Service management methods on other lands, which indeed should be used in a multi-use way.

The Chairman's bill uses language to the delight of trial attorneys and their responsibility to balance conservation and recreation. This bill introduces the concept of values into the BLM. My question is what is the value to the BLM. In the National Park Service, the value is now interpreted, after court cases, that is, to include such subjective things as soundscapes, viewscales and occasionally, smell sheds. Should we anticipate further legislation to protect these values in the Bureau of Lands?

Initially, I thought this bill was, at worst, the camel's nose under the tent. However, under closer examination, this bill not only invites the camel into the tent, he is also in the sleeping bag.

Let's look directly at the legislation—Section 3, Establishment. In order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, there is established in the Bureau of Land Management a National Landscape Conversation System.

This may as well be the National Park Service Organic Act. It is the same language. It unfortunately goes on. The bill further directs the Secretary to manage these lands in a manner that protects the values for which the components of the system were designated. Again, we are presented with the vague concept of values.

This legislation is the biggest invitation to lawsuits since the slip and fall scheme was invented, and I can see the day when a judge decides that in light of this language, all units of this system will be managed in a uniform and consistent way. It is unconscionable to force our multiple public lands down the same path that force personal watercraft out of the national recreation areas and put snowmobiles on the endangered species list.

This bill also has created another Federal designation. The Chairman's bill will include any area designated by Congress to be administered for conservation purposes within this new system. After this has become law, we should expect an onslaught of bills for new national units in the new national land conservation system.

Finally, a witness could have testified to this committee had it gone when it was supposed to today about the impacts these designations will have on peoples' lives. There are witnesses who will

give us testimony in written form that have been included in these designations against their wishes. Making this system permanent will have a direct impact on them. This legislation also puts rights of Alaskan Natives, of critical importance to me and also the Ranking Member, Mr. Young.

We should deliberate this proposal carefully because the special interests have already put multiple use in jeopardy with this bill.

Mr. GRIJALVA. Thank you, Mr. Bishop. Let me begin with our first panel and welcome our colleagues and extend our appreciation for taking the time. Let me begin with The Honorable Mary Bono, a colleague from California. Very active in the Landscape Conservation Caucus and a cosponsor of H.R. 2016. And let me turn that over to you, Ms. Bono, for any comments that you may have.

**STATEMENT OF THE HON. MARY BONO, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mrs. BONO. I thank the Chair very much. I just want to start by assuring Mr. Bishop that I, in my many years of life, have done an awful lot of camping in Utah, and never once did I ever wake up with a camel in my sleeping bag. But I want to thank you both very, very much for allowing me to testify today.

I also think part of my frustration with Congress and the way Congress works is that never do we take CODELs around our country to visit our own lands ourselves to know our interior as much as we ought to, and if we spend as much time touring our own lands as we did foreign countries, it would be a very, very good thing for the people of the United States.

I would like to thank you for the opportunity to testify today on H.R. 2016, the National Landscape Conservation System Act. As you know, Mr. Chairman, we started the work that led to this legislation with the NLCS Caucus that was formed to examine ways to provide recognition to some of our country's most impressive open spaces. I came to this point today after recognizing how effectively the model for balancing conservation and recreational pursuits has been achieved on Federal lands in my congressional district.

In October of 2000, the Santa Rose-San Jacinto Mountains National Monument Act became law, providing an example of one of the first national monuments to be designated legislatively. The issues surrounding the culminating legislation were many, with varying concerns over access, recreation and preserving unique plant and wildlife species that live in the area.

In the end, we were able to effectively engage our local stakeholders to gain the support of private landowners, Native American tribes and the conservation community. The success of the monument and its value to the Coachella Valley in California is significant. This is the reason why I am supporting H.R. 2016, as the ability for the BLM to oversee these lands for conversation while also working to achieve the continued need for access and recreation is commendable.

At this time, within the monument in my district, work is being done to protect the peninsular desert bighorn sheep and a total of 73 percent of the existing critical habitats of endangered species is

within the NLCS. It is my hope visitors to this monument will continue to experience this unique area for years to come.

Further, I do think it is important that we move forward with this legislation while knowing that different areas throughout the country have enacted various management plans for the lands within the system components. Protecting the original intent of these underlying prescriptions that may have been established in legislation or through an administrative act is both sensible and important.

The NLCS needs the proper oversight of Congress, which is why I think today's hearing is very valuable. The system ranges from monuments, to trails across the country, including areas that I visited throughout my entire life. It is clear that the BLM faces challenges. With this legislation, we can now potentially better quantify what value these lands bring to so many parts of our lives.

In moving forward with this legislation, I have heard input from other members, and it is my hope that proper consideration can be given to ensuring we can protect these unique areas while maintaining the intent of existing law, and I think we should underscore that point.

Today's hearing will hopefully display the varied ways in which these lands can be utilized for enriching the lives of tourists from other countries, domestic visitors or the residents who are fortunate enough to have these lands in their backyard.

With that, Chairman Grijalva and Ranking Member Bishop, I am hopeful of the bipartisan support of this committee on this effort, and I appreciate the support of the administration. I thank you again for the opportunity to testify, given the time changes that we have all had to endure today. Thank you very much, Mr. Chairman.

Mr. GRIJALVA. Thank you very much.

[The prepared statement of Ms. Bono follows:]

**Statement of The Honorable Mary Bono, a Representative  
in Congress from the State of California**

Chairman Grijalva, Members of the Subcommittee and Full Committee, I would like to thank you for the opportunity to testify today on H.R. 2016, the National Landscape Conservation System (NLCS) Act. As you know, Mr. Chairman, we started the work that led to this legislation with the National Landscape Conservation System Caucus that was formed to examine ways to provide recognition some of our country's most impressive open spaces.

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The issues surrounding the culminating legislation were many, with varying concerns over access, recreation, and preserving the unique plant and wildlife species that live in the area. In the end, we were able to effectively engage our local stakeholders to gain the support of private landowners, Native American tribes, and the conservation community.

The success of the Monument and its value to the Coachella Valley in California is significant. This is the reason why I am supporting H.R. 2016, as the ability for the Bureau of Land Management to oversee these lands for conservation while also working to achieve the continued need for access and recreation is commendable.

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It is my hope that visitors to the Monument will continue to experience this unique area for years to come. Further, I do think it is important that we move forward with this legislation while knowing that different areas throughout the country have enacted various management plans for the lands within the System components. Protecting the original intent of these underlying prescriptions that may have been established in legislation or through an Administrative act is both sensible and important.

The NLCS needs the proper oversight of Congress, which is why I think that today's hearing is so valuable. The System ranges from monuments to trails, including areas that I've visited throughout my life across the country. It is clear that the BLM faces challenges that we can now potentially better quantify what value these lands bring to so many parts of our lives.

In moving forward with this legislation, I have heard input from other Members, and it is my hope that proper consideration can be given to ensuring we can protect these unique areas while maintaining the intent of existing law.

Today's hearing will hopefully display the varied ways in which these lands can be utilized for enriching the lives of tourists from other countries or the casual weekend for outdoor enthusiast who is fortunate enough to have these lands in their backyard.

With that, Chairman Grijalva and Ranking Member Bishop, I am hopeful of the bipartisan support of the Committee on this effort as well as the support of the Administration. I thank you again for the opportunity to testify given the time changes that have taken place with the other priorities of this Committee.

Mr. GRIJALVA. Let me now turn to our colleague Congressman Moran, also a cosponsor of H.R. 2016 and a member of the caucus, one of the co-chairs, for your comments and your testimony, Congressman.

**STATEMENT OF THE HON. JAMES MORAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA**

Mr. MORAN. Thank you, Mr. Chairman and members of the committee, particularly my fellow co-chairs, Congresswoman Bono and you, Chairman Grijalva. Today's hearing in support of H.R. 2016, the National Landscape Conversation System Act, this is a simple piece of legislation that will codify the Bureau of Land Management's conservation system so that it will be recognized and managed as a national system.

These lands were rightly given special status as national monuments, national conservation areas, wilderness, wild and scenic rivers and national scenic and historic trails by Congress and by Presidential proclamation. While the majority of these lands are in the western United States, we need look no further than just across the Potomac River in northern Virginia where a segment of the Potomac Heritage Trail crosses my congressional district. Like the widely popular Potomac Heritage Trail, the preservation of all of these lands is undeniably important for recreation and open space. Of equal or perhaps even greater importance, however, is their role in conserving landmark natural, cultural and scientific resources.

Today, however, Congress has not recognized their management in a unified system. These places are unique and diverse and continue to provide our Nation with new appreciation of their historic, cultural and scientific importance. In Utah, although they haven't found any camels, they did find a very rare dinosaur skin that was discovered with bone fossils.

We can explore our own history and the settlement of this continent through the Lewis and Clark Trail, the California, Pony Ex-

press, the Oregon Trail, and the Mormon Pioneer and Old Spanish National Historic Trails. New insect discoveries are emerging from Grand Canyon, including a new genus and four new species of crickets and two new species of millipedes.

Those are important because of the ecology that they are part of. The Headwaters Forest Reserve is home to threatened murrelets and the endangered northern spotted owls. The Vermillion Cliffs National Monument in Arizona is the release site and habitat for the endangered California condor, which was brought back from the brink of extinction.

Seven years ago this month, these lands were administratively organized as a system by the U.S. Department of the Interior. The Bureau of Land Management has proven that they can manage these lands for conversation and it is time for Congress to give this conversation system their stamp of approval. There is demonstrated bipartisan support for the conservation system and this legislation through the National Landscape Conversation System Congressional Caucus. This measure also enjoys the support of the Bush administration.

So I thank you for the opportunity to submit this statement. I appreciate your leadership on this issue and I encourage the committee to move swiftly to consider this legislation. Thanks very much, Mr. Chairman. I very much thank my colleague Ms. Bono for testifying as well, and for your leadership. Mr. Bishop doesn't seem quite as enthusiastic, so I will thank him for this particular piece of legislation.

Mr. BISHOP. It has been a long day.

Mr. GRIJALVA. Thank you very much.

[The prepared statement of Mr. Moran follows:]

**Statement of The Honorable James P. Moran, a Representative  
in Congress from the State of Virginia**

Chairman Grijalva, Members of the Committee and honored guests, I am pleased to join you and one of my fellow Co-Chairs of the National Landscape Conservation System Congressional Caucus, Mary Bono, at today's hearing in support of H.R. 2016, the National Landscape Conservation System Act. This simple piece of legislation will codify the Bureau of Land Management's conservation system, so that it will be recognized and managed as a national system.

These lands were rightly given special status as National Monuments, National Conservation Areas, Wilderness, Wild and Scenic Rivers and National Scenic and Historic Trails by Congress and by Presidential Proclamation. While the majority of these lands are in the Western United States, we need look no further than just across the Potomac River in Northern Virginia where a segment of the Potomac Heritage Trail crosses my congressional district.

Like the widely popular Potomac Heritage Trail, the preservation of these lands is undeniably important for recreation and open space. Of equal or perhaps even greater importance, however, is their role in conserving landmark natural, cultural and scientific resources. To date, however, Congress has not recognized their management as a whole in a unified system.

These places are unique and diverse and continue to provide our nation with new discoveries of historic, cultural and scientific importance. In Utah, a very rare dinosaur skin was discovered with hadrosaur bone fossils. We can explore our own history and settlement of this continent through the Lewis and Clark Trail, the California, Pony Express, the Oregon Trail, and the Mormon Pioneer and Old Spanish National Historic Trails. New insect discoveries are emerging from Grand Canyon Parashant National Monument in Arizona, including a new genus and four new species of crickets and two new species of millipedes. The Headwaters Forest Reserve is home to threatened Marbled Murrelets and the endangered Northern Spotted Owls. The Vermillion Cliffs National Monument in Arizona is the release site and

habitat for the endangered California Condor, which was brought back from the brink of extinction.

Seven years ago this month, these lands were administratively organized as a system by the U.S. Department of the Interior. The Bureau of Land Management has proven they can manage these lands for conservation, and it is time for Congress to give this conservation system their stamp of approval. There is demonstrated bipartisan support for the conservation system and this legislation through the National Landscape Conservation System Congressional Caucus. This measure also enjoys the support of the Bush Administration. I thank you the opportunity to submit this statement and I urge your swift consideration of this legislation.

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Mr. GRIJALVA. I have no questions for our colleagues. Mr. Bishop.

Mr. BISHOP. No questions.

Mr. GRIJALVA. Let me thank you. I extend the invitation that you are free to join us at the dais, but as you rush out the door, I can appreciate that as well. Thank you very much. Thank you for your testimony.

Let me call the next panelist up. Ms. Elena Daly, Director of National Landscape Conservation System, Bureau of Land Management. Thank you very much, Director. I am particularly grateful given the circumstances that occurred to you. I would venture to say that this hearing, although it might be some tough questions, cannot compare to being hit by a car. And so I would like to extend to you our appreciation for you taking the time and being here and look forward to your testimony. You may begin.

**STATEMENT OF ELENA DALY, DIRECTOR OF THE NATIONAL  
LANDSCAPE CONSERVATION SYSTEM, BUREAU OF LAND  
MANAGEMENT**

Ms. DALY. Thank you very much, Mr. Chairman. Mr. Chairman and members of the committee, I am Elena Daly, Director of the National Landscape Conservation System. Thank you for inviting me to testify on H.R. 2016, the National Landscape Conservation System Act.

The NLCS is a significant part of BLM's conservation efforts and is integral to BLM's overall multiple use mission. The BLM is proud to oversee the system which includes areas nationally recognized for their outstanding values. These lands are not simply places to visit, they help us define who we are as a Nation, and they tell our national story as it unfolded in the unforgettable landscapes of the West.

The Department supports H.R. 2016, a bill that would legislatively establish the NLCS to protect, conserve and restore nationally significant landscapes. The bill would provide for the inclusion in the NLCS of congressional and Presidentially designated special places administered by BLM. H.R. 2016 would provide legislative support for the NLCS and its conservation mission within BLM.

In June of 2000, the Department of the Interior administratively established the NLCS to bring into a single organized system many of BLM's outstanding ecological, cultural and scientific landscapes. The BLM is charged with managing the public lands for a wide variety of uses. This multiple use mission directs the balanced management of public land for uses that may include, but certainly are not limited to recreation, livestock, grazing, energy development and timber harvest.

The NLCS is a integral part of that mission and includes national monuments, national conservation areas, national scenic and historic trails, wild and scenic rivers, wilderness and wilderness study areas. Over the last 6 years since its inception, the NLCS has established successful collaborative relationships with local communities, States, tribes, and private citizens. These partnerships are also critical as we pursue our mission.

In an increasingly crowded and fast-changing West, NLCS units provide some of the best examples of open space. For the most part, NLCS units are not highly developed. Rather, they provide visitors a different sort of outdoor experience, an opportunity to explore, discover and relax.

H.R. 2016 proposes to establish in statute the current administrative structure of the BLM National Landscape Conservation System. We understand that the bill is intended to maintain the current management of the NLCS individual units, and as each unit is unique, we strongly support this.

By formalizing the NLCS, H.R. 2016 would give congressional support and direction, strengthening the special system of lands within the context of BLM's multiple use mission. This will assure that these landscapes of the American spirit would be conserved, protected and restored for the benefit of current and future generations.

Thank you for the opportunity to testify in support of H.R. 2016. I will be happy to answer any questions.

[The prepared statement of Ms. Daly follows:]

**Statement of Elena Daly, Director, National Landscape Conservation System, Bureau of Land Management, U.S. Department of the Interior**

Thank you for inviting me to testify on H.R. 2016, the National Landscape Conservation System Act. The National Landscape Conservation System (NLCS) is a significant part of the Bureau of Land Management's (BLM) conservation efforts and is integral to the BLM's overall multiple-use mission. The BLM is proud to oversee this system which includes areas nationally recognized for their outstanding values. These lands are not simply places to visit; they help define who we are as a Nation and tell the story of our nation as it unfolded in the unforgettable natural landscapes of the West.

The Department supports H.R. 2016, a bill that would legislatively establish the NLCS in order to conserve, protect, and restore nationally significant landscapes. The bill would provide for the inclusion in the NLCS of Congressionally and Presidentially designated special places administered by the BLM. H.R. 2016 would provide legislative support to the NLCS and its conservation mission within the BLM.

**Background**

In June 2000, the Department of the Interior administratively established the NLCS within the BLM bringing into a single organized system many of the BLM's outstanding ecological, cultural and scientific landscapes. The BLM is charged with managing the public lands for a wide range of uses. This multiple-use mission directs the balanced management of public lands for many uses, including conservation, recreation, livestock grazing, energy development, and timber production. The NLCS is an integral part of that mission and includes National Monuments, National Conservation Areas (NCAs), National Scenic and Historic Trails, Wild and Scenic Rivers, Wilderness, and Wilderness Study Areas (WSAs). The BLM, under the authority of section 603 of FLPMA, manages WSAs so as not to impair their wilderness character. The establishment of the NLCS would not change the status of the WSAs or the authority of Congress, at some future time, to designate them as units of the National Wilderness Preservation System or to release them for non-wilderness multiple use.

The NLCS currently includes 27 million acres of archaeological and historic treasures such as Canyons of the Ancients National Monument in Colorado and the Oregon National Historic Trail, wildlife havens such as Snake River Birds of Prey



NCA in Idaho and Aravaipa Canyon Wilderness in Arizona, and hiking challenges such as King Range National Conservation Area along the lost coast of northern California and significant sections of the Continental Divide National Scenic Trail as it winds its way through New Mexico, Colorado, Wyoming and Montana.

Over the last six years, since its inception, the NLCS has established successful, collaborative relationships with local communities, States, tribes, friends groups, and private citizens. These partnerships are critical to the on-the-ground success of NLCS units.

In an increasingly crowded and fast-changing West, NLCS units provide some of the best examples of open space. For the most part, NLCS units are not highly developed. Rather, they provide visitors a different kind of outdoor experience—an opportunity to explore, discover and relax. These are places to get lost and find oneself.

Many NLCS units were designated specifically for their scientific values. Recent discoveries at some NLCS units include cave-dwelling millipedes previously unknown to science and numerous new species of dinosaurs. In 2006, at Grand Staircase-Escalante National Monument, the discovery of one of the largest known oviraptor in the world (a giant 7-foot tall, 14-foot long flesh-eating, feathered dinosaur) was revealed. The diverse opportunities for scientific inquiry allow NLCS units to be used as outdoor laboratories by a wide range of universities, colleges, and high schools including Brigham Young University, Montana State University, Colorado State University, Northern Arizona University, Universidad de Sonora (Mexico), Stanford University, Boise State University, University of New South Wales (Australia), Oregon State University, University of Utah, and the University of Witwatersrand (South Africa). Their efforts also directly benefit local communities. For example, studies of lava flows at Craters of the Moon National Monument in collaboration with Idaho State University contribute to hands-on science curriculum for local elementary students.

Much of the support for NLCS units comes from local communities that work with the BLM to engage in cooperative conservation that enhance local economies, cultures, and resources. At New Mexico's Kasha-Katuwe Tent Rocks National Monument, an inter-governmental cooperative agreement between the BLM and the Pueblo de Cochiti has successfully provided for enhanced visitor services while improving the health of the land at this spectacular geologic wonder. In southern Arizona, Las Cienegas NCA is collaborating with local ranchers, water districts, the State and county to develop innovative solutions to managing this precious watershed in a desert environment—all in the context of a historic ranching community.

Many NLCS units are adjacent to growing urban centers and provide respite from the city as well as recreational opportunities. Santa Rosa and San Jacinto Mountains National Monument adjoins the burgeoning Palm Springs area of California; McGinnis Canyons NCA lies near Grand Junction, Colorado; and Red Rock Canyon NCA is located just outside of Las Vegas, Nevada. Red Rock Canyon NCA has some of the highest visitation of any BLM-administered site and serves as an adventurous alternative for locals and visitors from Las Vegas' other attractions. The many communities in California's Coachella Valley welcome the undeveloped open spaces of the Congressionally designated Santa Rosa and San Jacinto Mountains National Monument. Partnerships with the Agua Caliente Band of Cahuilla Indians, the Friends of the Desert Mountains, and the cities of Palm Desert, Palm Springs, La Quinta, Cathedral City, Indian Wells, Rancho Mirage and Indio have enhanced BLM's ability to improve recreational opportunities while also providing for improved habitat for the endangered Peninsular bighorn sheep. Colorado's growing recreation industry promotes McInnis Canyon as a place for outdoor activity including wilderness hiking, rafting and mountain biking.

From the remote, wild Steens Mountain Cooperative Management and Protection Area in the eastern part of the State, to coastal Yaquina Head Outstanding Natural Area's lighthouse and tidal pools, the diversity of NLCS units can be viewed across the breadth of Oregon. The Oregon National Historic Trail and the interpretive center in Baker City provide a window into our pioneer past and the 300,000 emigrants who used this pathway to the Pacific. Three ecosystems collide in Cascade-Siskiyou National Monument in southwestern Oregon forming a unique assemblage of rare plants and animals. Oregon's 802 miles of wild and scenic rivers provide unparalleled opportunities for fishing, hunting and boating which contribute to economic diversity in local communities.

#### **H.R. 2016**

H.R. 2016 proposes to establish in statute the current administrative structure of the BLM's National Landscape Conservation System. We understand that the bill is intended to maintain the current management of the NLCS' individual units.

However, since we testified before the Senate Energy and Natural Resources Committee's Subcommittee on Public Lands and Forests, it has come to our attention that the language in section 3(c)(2) could inadvertently create ambiguity or confusion. As each unit is unique, we strongly support the recognition of their individual management frameworks and we would like the opportunity to work with the Chairman to clarify the legislation in regards to section 3(c)(2).

By formalizing the NLCS, H.R. 2016 would give Congressional support and direction, strengthening this special system of lands within the context of the BLM's multiple-use mission. This will assure that these landscapes of the American spirit would be conserved, protected, and restored for the benefit of current and future generations.

Thank you for the opportunity to testify in support of H.R. 2016. I will be happy to answer any questions.

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Mr. GRIJALVA. Thank you very much, Director. Let me ask you some clarifying questions because the legislation provokes a lot of other questions, and maybe through your answers, you can begin to clarify some of those.

Beginning with what you said, the mission of multiple use as a core of BLM's mission, how does the NLCS fit into the definition of multiple use on BLM land? Is there a contradiction there?

Ms. DALY. Most not a contradiction, Mr. Chair. Ninety-nine percent of our units are available for grazing, for instance. The valid existing rights, whether private property, or, for instance, in Canyon of the Ancients National Monument, oil and gas leases are honored. We continue to provide recreational opportunities of a wide variety for people, everything from motorized recreation on designated roads, to primitive camping, for instance.

We do, through our science program wildlife projects, we look forward to working with cultural resource management. We have at least—Canyon of the Ancients, one of the most intensely dense sites for cultural resources in the Nation. And so you see a variety of BLM programs that figure into the management of NLCS as well.

Mr. GRIJALVA. Let me follow up on the point that you just made about—that the NLCS was established pursuant to valid existing rights. You mentioned grazing, energy development permitted on Federal land. Is there anything in H.R. 2016 that alters that valid existent rights provision?

Ms. DALY. There is nothing in the bill that would do that, sir.

Mr. GRIJALVA. Thank you. You mentioned the cultural resources and how important it is. I do want to acknowledge that point. I think repeatedly it has been made a core part of the system, and I think that is very important. Can you maybe explain to the committee the issue of the significance to Native Americans of the NLCS and why there is so much support for the system and for formalizing the system as you said among Native American tribes.

Ms. DALY. Yes. First of all, a lot of our units contain the sites that are culturally or religiously significant to many tribes. We have ongoing working relationships, as Congressman Bono mentioned, with Agua Caliente. The Pueblo De Cochiti actually manages Kasha-Katuwe Tent Rocks in New Mexico. It is a site that is significant to the Pueblo and they manage it to honor those places.

We work very closely with a number of tribes on our trails. So many of the historic trails if not all originated as Indian footpaths across the Nation. And so it is important to involve tribes such as

the Shoshone, the Nez Perce, the northern plains tribes in how we tell that story and how we manage those areas.

The Yurok tribe of Northern California has an agreement with us to come to manage the northern part of the California Coastal Monument because those areas are also significant to them. Those are just a few of the tribal relationships that we have established.

Mr. GRIJALVA. And repeatedly I have heard from native nations the issue of access and how that has been a very important part. Whether it is a sacred site, tradition, that access has been not just granted but facilitated.

Ms. DALY. Absolutely. We work very closely with any of the interests but we also guard that information very closely because it is so important to the tribes.

Mr. GRIJALVA. Clarify, one last point; clarify the status of private lands within the boundary or unit of NLCS. Are those private lands actually part of the unit or do they remain private?

Ms. DALY. They remain private.

Mr. GRIJALVA. At this point I don't have any more questions. Mr. Bishop.

Mr. BISHOP. Yes, I apologize you actually had to come here when you already suffered. I apologize for that. So let me give you just a softball question at first before the grilling begins.

What is the one advantage, since supposedly nothing changes in the management scheme, you will continue to be Director of this program, whether it is done by administrative rule or whether it is done by congressional codification, what then is the one advantage for congressional codification?

Ms. DALY. One advantage, sir, is it gives a sense of permanence and security to the system that we don't currently have.

Mr. BISHOP. Is the system in danger now from administrative reasons?

Ms. DALY. Not at the moment, no, sir.

Mr. BISHOP. Could you just briefly tell me like the history of the BLM, why it was established in the first place?

Ms. DALY. The BLM or NLCS, sir?

Mr. BISHOP. The BLM.

Ms. DALY. It was established as a combination of the Grazing Service and the General Land Office in 1946. It was originally established to provide for multiple use management of and disposal of public lands primarily in the West.

Mr. BISHOP. What was the last part?

Ms. DALY. Managed for multiple use and disposal of public lands in the West. Do you want the rest of the history or is that enough?

Mr. BISHOP. You got the basic part there; in fact, all the phrases are essential. I wouldn't expect you to have actually done this, but I doubt that you have actually read the enabling acts of most western states when they came in the union as to what historic purpose of their lands was to be.

Ms. DALY. No, sir.

Mr. BISHOP. I wouldn't have imagined that to be the case. In fact, I would be highly surprised if it were the case. You have more important things to do than that. When you say then that the lands are not simply places to visit but they help define where we are as a Nation, does that fit in with the historic role of the BLM?

Ms. DALY. It does. The point I gave you in the history was 1946. In 1976 with the passage of FLPMA, the BLM's mission was broadened.

Mr. BISHOP. Certainly was, wasn't it. Too bad you didn't ask the western States about that when it happened. The concept of conservation, recreation, livestock grazing, energy development and timber production as you said in your testimony are the important elements of BLM.

Ms. DALY. They are some of those elements, yes, sir.

Mr. BISHOP. Can I ask, and you may not know this because it a drafting issue, in the bill before when it says the purpose of the establishment of this office, none of those elements, livestock grazing, energy development, timber, those were left out of the verbiage that is used when we try to codify this. Do you have any idea why that was the case?

Ms. DALY. I did not participate in the drafting.

Mr. BISHOP. Would you be opposed to adding that language in there to specify the broad view of multiple purpose the BLM is supposed to have?

Ms. DALY. I would prefer to defer to the committee on that, sir.

Mr. BISHOP. If we gave you the magic ability of being one of us.

Ms. DALY. I would still defer to the committee.

Mr. BISHOP. Let me try another one, which means with the national wilderness areas, which of course—national wilderness study areas, which are obviously not national wilderness but simply areas to be studied until such time as Congress makes a designation.

If this Act were to be passed, do you think it would be either harder or easier to make an adjudication as to the status of wilderness study areas?

Ms. DALY. I don't believe that the Act would affect that adjudication one way or the other.

Mr. BISHOP. Do you think it would make a difference to your ability to administer those as presently your responsibility if wilderness study areas were left off of the list of those things encompassed within this new conservation system, since that is supposedly a temporary status until Congress makes an adjudication.

Ms. DALY. Again, sir, I would have to defer to the committee. As far as the management, the bill does not change the management of the system at all.

Mr. BISHOP. Mr. Chairman, I have a lot more and I will defer—let me do one that can be very quick. You state in here that the NLCS has established a successful collaborative relationship with local communities. Do you expect that to disappear without this bill?

Ms. DALY. No, sir. I fully expect it to continue to increase.

Mr. BISHOP. Whether this bill is here or not?

Ms. DALY. Yes.

Mr. BISHOP. I only have 20 seconds here. I defer to other members, but I do have questions.

Mr. GRIJALVA. Mr. Lamborn.

Mr. LAMBORN. Thank you, Mr. Chairman. First, I have a background question. At least two of these areas that you administer now are the McInnis Canyon area in Colorado and the Canyons of

the Ancients National Monument in Colorado. Now I was formally under the impression that a national monument was part of the national park system, was one of the 390 some units of the national park system, but this national monument is not. What is the difference?

Ms. DALY. We have 15 national monuments, sir, and they were established and given to the Bureau of Land Management in their authorizing documents. As Mrs. Bono stated, Santa Rosa, San-San Jacinto is the only congressionally established one of the national monuments, all the rest were accomplished through Presidential proclamation and——

Mr. LAMBORN. So if it is a BLM managed area, then it is not NPS, is what you are saying?

Ms. DALY. Correct.

Mr. LAMBORN. So Congress could take a wilderness area and elevate it to national monument status and put it in either category or under either management, BLM or NPS.

Ms. DALY. That would certainly be a congressional decision.

Mr. LAMBORN. That is my background question. Now, as to this particular proposed legislation, in your testimony, you stated that passage of the bill “will assure that these landscapes of the American spirit would be conserved, protected and restored for the benefit of current and future generations.” my question is isn’t this being done right now under your mandate?

Ms. DALY. What happens under the NLCS that differentiates it from general BLM management is that certainly the Bureau has a conservation mission, but because of the unique aspects of each of these places such as McGinnis Canyon or Canyons of the Ancients we can move more toward the conservation side and make some decisions that we might not otherwise be as free to make on general BLM lands.

Mr. LAMBORN. Could you be more specific about that? Give me some examples where you have gone more in the conservation direction as opposed to what you would have otherwise done.

Ms. DALY. Well, for instance, I would use Canyon of the Ancients as an example with the intense density of cultural resources. While we honor the valid existing rights on existing oil and gas leases, there will be no new leases for oil and gas in Canyons of the Ancients. If that were on general BLM land, we couldn’t necessarily make that statement. It might be open to oil and gas development, thereby jeopardizing some of those cultural resources.

Mr. LAMBORN. So oil and gas leases is one possible thing that would be lost under this legislation—well, under NLCS designation as opposed to regular BLM designation.

Ms. DALY. If the proclamation says that, yes. If it is withdrawn from mineral entry.

Mr. LAMBORN. OK. You also said in your testimony that passage of this bill would give congressional direction regarding management of these lands. And my question overlaps with what I just asked a minute ago. Don’t you already have special designations that give you direction on how to manage BLM land, or are you seeking more or different kind of direction?

Ms. DALY. Actually, what we are seeking, sir, is closer to a permanent system. The bill does not ask for any further direction,

does not ask for any increase in the system, it simply says that the system will exist, and since it is administratively determined right now, while there may be no immediate threat, I cannot tell you that in 20 or 30 years there may not be.

Mr. LAMBORN. Apart from freezing any oil and not allowing any further oil and gas leases, what other practical differences would this make if you take a parcel under NLCS authority?

Ms. DALY. It doesn't necessarily stop oil and gas, that was just the Canyon of the Ancients example. It would depend on what the proclamation or legislation said that created the unit. But essentially that is what the bill does, it just moves us from administratively designated to congressionally sanctioned. It is a formalization.

Mr. LAMBORN. Would there be other possible restrictions on use other than not allowing oil and gas leases that you can think of?

Ms. DALY. That would have to be determined by whomever created the unit to be put in. For instance, if Congress determined there should be a unit added to the system, Congress would tell us what the restrictions would be. If it was done by the President under the authority of the Antiquities Act, the Presidential proclamation would limit it. We do not determine those restrictions.

Mr. LAMBORN. Thank you for your answers.

Mr. GRIJALVA. Thank you. Thank you very much. We have some additional questions, Director, but we are going to recess this meeting. It has been that kind of day, we have three votes, and should be back within half an hour to 35 minutes. Thank you for your indulgence and we will continue with the questions when we get back. Hearing is recessed.

[recess.]

Mr. GRIJALVA. Let me reconvene the hearing and turn to Mr. Bishop for any additional questions he might have.

Mr. BISHOP. Ms. Daly, I had the chance of talking to Congressman Walden this morning about the Steens Act provision that is in this particular bill. Of course, it is a difficult situation. I understand that both the Senate and the House version of this particular bill cause some potential concerns for them for the Steens Act because primarily the implementation of the Steens Act was caused by the National Landscape Conversation System and the management handbook and the policies which accompanied it, so that all on-ground collaborative work among the landowners and conservation groups and local government working with BLM to implement the Steens Act, and as Congressman Walden and members of the Oregon delegation intended, was initially thwarted by NLCS handbook.

The question I have, though, is I understand this morning the Department of the Interior noted its strong support to modify the language of this particular bill to ensure that that historic bipartisan consensus-based Steens Act would clearly be the overall guiding statute in the current and future management plans of this area that is known as the Steens Mountain Cooperative Management Protection Area. Am I correct in that assumption?

Ms. DALY. You are correct, sir.

Mr. BISHOP. I assume that the Department would have no problems if there were to be clarifying language.

Ms. DALY. Absolutely none.

Mr. BISHOP. Ms. Daly, I do have some compassion for the situation you were in. I don't want to hold you here longer. I have a whole lot of questions and the questions are very pointed. I am more than happy to put them in written form and send them to you and you can at your leisure respond to them in that way.

Ms. DALY. Thank you, sir. We would be glad to respond to those questions.

Mr. BISHOP. I will yield back.

Mr. GRIJALVA. Thank you, Mr. Bishop. I would note that H.R. 2016 does not authorize the BLM as a whole, it is just NLCS that we are talking about in this discussion.

Director, thank you so much. Appreciate it very much. Thank you for adjusting your whole day. Appreciate it very much.

To the rest of the panelists that are coming up, the same thanks for adjusting your whole day. If we could call the next panel up, please.

Mr. BISHOP. Mr. Chairman, may I ask unanimous consent for the record to include a letter that is to Senator Wyden and Senator Smith and Congressman Walden.

Mr. GRIJALVA. Without objection. Also at the same time let me enter in the record for one of our colleagues, Ms. Lois Capps, a communication to the committee. Without objection.

[The letter from Mr. Otley submitted for the record follows:]

Date: June 6, 2007

To: Senator, Wyden, Senator Smith and Congressman Walden

From: Fred Otley 40926 S Diamond Ln Diamond, OR 97722 (541) 493-2702

Subject: S. 1139/H.R. 2016, National Landscape Conservation System Act

You provided the leadership for the writing and enactment of the Steens Mountain Cooperative Management and Protection Act of 2000. The Steens Act is very unique from all other public land, resource management and environmental legislation in providing language that balances and promotes protection, multiple-use, private land, grazing, recreation and cooperative management. S. 1139/H.R. 2016 will substantially destroy the fundamentals of the Steens Act due to the following reasons:

1. First, the primary problems we have had with the implementation of the Steens Act was caused by the National Landscape Conservation System and the Management Handbooks and Policies that go with it. All of your work to get the BLM to implement the Steens Act as you wrote it and as you intended the Act to be implemented was initially thwarted by the NLCS Handbook, management directives and philosophy. We did not know this until last year.
2. Our position with BLM was to "use all sections and language of the Steens Act as the fundamental directives, purposes, objectives and management framework for interim and operating plans, environmental assessments, the Resource Management Plan, EISs, etc." and the Steens Act will be a model the all other special designation should emulate. The BLM began using the Steens Act as the primary directive instead of NLCS guidance and all of the past implementation problems rapidly have disappeared. The Steens Act is now working well and as you intended.
3. If The Steens CMPA becomes a part of the NLCS I believe the progress you, BLM and all of us has made will began to unravel. I believe the only measurement we have to validate this is how the NLCS system and planning and philosophy has negatively impacted early implementation of the Steens Act and the early workings of the Steens Mountain Advisory Council.
4. The Steens Act could continue to evolve a new and innovative way to manage, protect and cooperate on a landscape scale if it is kept out of the NLCS system. I would suggest that amending fundamental purpose of 1139/2016 to require all special designations "to maintain and enhance the cultural, economic, ecological, and social health"; and "to provide for and expand the cooperative man-

agement activities etc.”; and “to promote viable and sustainable grazing, and recreation operations on private and public lands”; and “to conserve, protect and manage for healthy watersheds and the long-term ecological integrity”; along with mandating “The Plan shall provide coordination with State, county, and private local landowners and the Burns Paiute Tribe”; and the emphasis of “Cooperative Management throughout the Steens Act.

5. The Congressional intent and existing management guidance and policy will shift on WSAs under the NLCS. Right now grazing levels, management systems and historical access is protected and provided in WSAs but ongoing lawsuits and agency policy interpretations will most likely alter the emphasis of historical use and management to preservation and elevated emphasis of impacts to wilderness values which are extremely subjective.
6. Many BLM personnel at the field level believe the mission and management directive of special designations will shift away from multiple use and private commercial uses of public lands but few will step forward because the tenure of NLCS is not adequate to objectively measure management and public use impacts. The majority of historical public uses will continually be regulated and restricted and confined to smaller areas along primary roads causing congestion and an impact to the public land use by the average family. The track record of most NLCS units and designations indicates this has already happened in a big way according to people living within and next to NLCS units.

I encourage you to not go forward with the NLCS system. No matter how well intentioned the reality of what some want from the NLCS system will hurt cooperative and innovative management and the fundamentals of the Steens Act and many other areas.

Sincerely,

Fred I. Otley

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[The statement submitted for the record by Ms. Capps follows:]

**Statement of The Honorable Lois Capps, a Representative  
in Congress from the State of California**

Thank you, Mr. Chairman.

As a proud cosponsor of H.R. 2016, I want to thank you for holding a hearing on this legislation to codify the National Landscape Conservation System.

The NLCS consists of all areas the BLM administers for conservation purposes, including national monuments, outstanding natural areas, wilderness areas, wild and scenic rivers and other remarkable landscapes on our public lands.

The idea behind grouping all of these areas into one system is to increase public awareness of the importance of these lands. It's also to highlight how BLM is conserving their cultural, historical, scientific, and ecological values.

Within my own congressional district, the NLCS encompasses several nationally significant areas, including the California Coastal Monument and the Carrizo Plain National Monument.

I have also worked to designate the Piedras Blancas Historic Light Station—located in my congressional district—as an outstanding natural area within the NLCS. The House recently approved my legislation, and I hope it will be signed into law very soon.

As you know, the Interior Department established the NLCS administratively in 2000. As a result, it does not have the permanence that it would have if enacted legislatively.

By codifying the NLCS, we'll help increase the attention to these important, congressionally protected areas. And we'll help ensure that the system remains a high priority within the BLM.

Mr. Chairman, it's important to note that this bill does not create any new management authority and does not change how any of the units in the system are managed. Grazing rights, water rights, and public access are unchanged.

This bill is needed step toward improving the management of the lands that comprise the NLCS.

I want to thank the Chairman for his leadership on this issue, and I hope we will have an opportunity to move this bipartisan bill through the Committee and House as quickly as possible.

I yield back.



Mr. GRIJALVA. Mr. Young, would you like to make an opening statement?

Mr. YOUNG. Mr. Chairman, I appreciate you having the hearing, especially having the witness from Alaska. There are some issues about this legislation that I can support but we are deeply concerned in Alaska and the effect upon agreements that were reached primarily with native lands and the Alaskan National Lands Act.

Agreements and deals were cut and made and I am somewhat—would like you to consider and work with me on trying to make sure that we don't have to have two bites at the apple that would directly affect the State of Alaska and directly affect especially the Native Land Claims Act itself, and that is my biggest concern right now.

Mr. GRIJALVA. Mr. Young, rest assured that it is not the intent of the legislation to undermine the two Acts that you mentioned and more than willing and happy to work with you and your office to clarify and substantiate those two points.

Mr. YOUNG. I thank the gentlemen.

Mr. GRIJALVA. Let me begin. Thank you very much. It is a distinguished panel indeed and very happy that you are with us today. Let me begin with the first panelist, Mr. Bill Meadows, President of The Wilderness Society. Sir, five minutes of oral testimony and then whatever, the full text of your testimony will be made part of the record. Mr. Meadows.

**STATEMENT OF BILL MEADOWS, PRESIDENT,  
THE WILDERNESS SOCIETY**

Mr. MEADOWS. Thank you, Mr. Chairman. Thank you committee members. It is a privilege to be here testifying before the House Natural Resource Subcommittee on National Parks, Forest and Public Lands on H.R. 2016, the National Landscape Conservation System Act. I am Bill Meadows, President of The Wilderness Society. I would like to also ask the committee's indulgence and enter into the record a letter from a coalition of 47 organizations in support of this legislation.

Mr. GRIJALVA. Without objection.

Mr. MEADOWS. Since 1935 The Wilderness Society has worked to ensure that future generations will enjoy as we do today the clean air, water, wildlife, beauty and opportunities for recreation and renewal that pristine forests, rivers, deserts and mountains provide. We represent a quarter of a million Americans throughout the country who are investing their legacy of wild places. We welcome the opportunity to comment on the historic importance of the National Landscape Conservation System Act.

The National Landscape Conservation System is a public lands system like no other. It is composed of BLM managed land and waters designated for conservation by Congress or the President, including national conservation areas, wild and scenic rivers, as well as national monuments, wilderness areas and other special places.

These landscapes with innumerable natural and cultural resource values ensure invaluable educational and recreational opportunities for current and future generations. The conservation system provides unique opportunities for solitude and adventure, where visitors can create their own experiences.

While constituting only 10 percent of the BLM lands and waters, the system accommodates a third of the BLM recreation use. The system facilitates diverse recreational and educational experiences such as famed rafting in California's north fork of the American River, exploring how ancient cultures lived on the landscapes in Arizona's Agua Fria National Monument, hiking on the Continental Divide National Scenic Trail, mountain biking in Colorado's McInnis Canyons, and backpacking and wildlife viewing opportunities in the system's many, many wilderness areas.

Protected areas such as the national conservation areas and wilderness areas offer many economic benefits to neighboring communities. Because conservation system visitor centers are designed to be located in gateway communities, the landscapes within the system remain protected and surrounding communities receive the economic benefits of increased visitation to these wonderful places. The system also provides outstanding opportunities for research and outdoor education. BLM staff have shared with us their excitement about the many research projects that the conservation system lands offer.

The system is also well known for cultural resources including those in the Canyon of the Ancients National Monument, which contains the largest concentration of known archeological sites in the Nation. The BLM's conservation system also encompasses important wildlife habitat, allowing for wildlife to thrive in healthy ecosystems. Conservation system lands and waters provide habitat for many threatened and endangered species as well. For example, while constituting only 10 percent of the BLM lands, the conservation system protects 30 percent of suitable desert tortoise habitat on BLM land, 73 percent of peninsula bighorn sheep critical habitat on BLM lands, and 54 percent of the California condor range on BLM lands.

We believe it critical for Congress to acknowledge the importance of these lands and waters. This legislation will ensure that the natural and cultural resources for which these magnificent places were designated will be preserved in perpetuity for the American people to discover and appreciate. A diversity of Americans have shown support for these places and numerous organizations have spoken out to demonstrate their support.

The Wilderness Society has enjoyed being a leader in the conservation system alliance, a coalition of more than 50 conservation historic preservation, faith-based recreation and business groups. These groups represent millions of Americans Nationwide and together have been working nationally and within local communities to foster stewardship of the conservation system.

Seven years ago this month, the Interior Department administratively designated this unique system of public lands. I was excited that the BLM was tasked with ensuring that the crown jewels under their management, their most outstanding lands and waters would be managed as a system for conservation purposes. We are delighted today that Congress has the foresight to ensure permanent protection for these landscapes through straightforward legislation that will simply give the system the permanent authorization it deserves.

I again want to thank the committee for discussing this important legislation and look forward to working with Congress to marshal the bill through passage. Please let me know if you need any additional information for the committee. Thank you again for your foresight, Mr. Chairman.

[The prepared statement of Mr. Meadows follows:]

**Statement of The Honorable William H. Meadows,  
President, The Wilderness Society**

Thank you for the opportunity to testify before the House Natural Resources Subcommittee on National Parks, Forests and Public Lands on H.R. 2016, the National Landscape Conservation System Act. I am Bill Meadows, President of The Wilderness Society. Since 1935, The Wilderness Society has worked to ensure that future generations will enjoy, as we do today, the clean air and water, wildlife, beauty and opportunities for recreation and renewal that pristine forests, rivers, deserts and mountains provide. We represent a quarter of a million Americans throughout the country who are investing in their legacy of wild places. We welcome the opportunity to comment on the historic importance of the National Landscape Conservation System Act.

The National Landscape Conservation System is a public lands system like no other. It is composed of BLM-managed lands and waters designated for conservation by Congress or the President, including National Conservation Areas and Wild and Scenic Rivers, as well as National Monuments, wilderness areas and other special places. These landscapes with innumerable natural and cultural resource values ensure invaluable educational and recreational opportunities for current and future generations. The Conservation System provides unique opportunities for solitude and adventure where visitors can create their own experiences. While constituting only 10% of BLM lands and waters, the System accommodates a third of BLM's recreation use. The System facilitates diverse recreational and educational experiences, such as famed rafting in California's North Fork of the American River, exploring how ancient cultures lived on the landscape in Arizona's Agua Fria National Monument, hiking on the Continental Divide National Scenic Trail, mountain biking in Colorado's McInnis Canyons National Conservation Area, and backpacking and wildlife viewing opportunities in the System's many wilderness areas.

Protected areas such as National Conservation Areas and wilderness areas offer many economic benefits to neighboring communities. Because Conservation System visitor centers are designed to be located in gateway communities, the landscapes within the System remain protected and surrounding communities receive the economic benefits of increased visitation to these wonderful places. The System also provides outstanding opportunities for research and outdoor education. BLM staff have shared with us their excitement about the many research projects that Conservation System lands offer. The System is also well known for its cultural resources, including those in Canyons of the Ancients National Monument, which contains the largest concentration of known archaeological sites in the nation.

The BLM's Conservation System also encompasses important wildlife habitat, allowing for wildlife to thrive in healthy ecosystems. Conservation System lands and waters provide habitat for many threatened and endangered species as well. For example, while constituting only 10% of BLM lands, the Conservation System protects 30% of suitable desert tortoise habitat on BLM land, 73% of Peninsular Bighorn Sheep Critical Habitat on BLM lands, and 54% of the California Condor range on BLM lands.

We think it critical for Congress to acknowledge the importance of these lands and waters. This legislation will ensure that the natural and cultural resources for which these magnificent places were designated will be preserved in perpetuity for the American people to discover and appreciate.

A diversity of Americans has shown support for these places, and numerous organizations have spoken out to demonstrate this support. The Wilderness Society has enjoyed being a leader in the Conservation System Alliance, a coalition of more than fifty conservation, historic preservation, faith-based, recreation and business groups. These groups represent millions of Americans nationwide and together, have been working nationally and within local communities to foster stewardship of the Conservation System.

Seven years ago this month, the Interior Department administratively designated this unique system of public lands. I was excited that the BLM was tasked with ensuring that the crown jewels under their management, their most outstanding lands and waters, would be managed as a system for conservation purposes. We are

delighted today that the Congress has the foresight to ensure permanent protection for these landscapes through straightforward legislation that will simply give the System the permanent authorization it deserves.

I again want to thank the committee for discussing this important legislation and look forward to working with Congress to marshal the bill towards passage. Please be sure to let me know if you need additional information that could be of assistance. Thank you again for your foresight in discussing this legislation, and for the opportunity to testify before the committee.

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**American Hiking Society ♦ American Rivers ♦ American Society of Landscape Architects  
Arizona Wildlife Federation ♦ Arizona Wilderness Coalition ♦ Arizona Zoological Society ♦  
California Wilderness Coalition ♦ Campaign for America's Wilderness  
Center for Biological Diversity ♦ Center for International Environmental Law (CIEL)  
Citizens Action Committee for Tule Springs (CACTuS)  
Coalition for Sonoran Desert Protection ♦ Defenders of Wildlife ♦ Earthjustice  
Environmental Defense ♦ Friends of the Agua Fria National Monument  
Friends of the Earth ♦ Friends of Gold Butte ♦ Friends of Ironwood Forest  
Friends of the Missouri Breaks Monument ♦ Friends of Sloan ♦ Grand Canyon Trust  
Grand Canyon Wildlands Council ♦ Grand Staircase Escalante Partners  
Idaho Conservation League ♦ Idaho Wildlife Federation ♦ Montana Wilderness Association  
Montana Wildlife Federation ♦ National Trust for Historic Preservation  
National Wildlife Federation ♦ Nevada Wildlife Federation ♦ New Mexico Wilderness Alliance  
New Mexico Wildlife Federation ♦ Oregon Natural Desert Association  
Outdoor Industry Association (OIA) ♦ Partnership for the National Trails System  
Public Employees for Environmental Responsibility (PEER)  
Republicans for Environmental Protection (REP) ♦ Rincon Institute  
San Juan Citizens Alliance ♦ Sierra Club ♦ Soda Mountain Wilderness Council  
Sonoran Institute ♦ Southern Utah Wilderness Alliance ♦ Tuleyome  
US PIRG ♦ The Wilderness Society**

The Honorable Raul Grijalva  
Chairman  
House National Parks, Forests and Public  
Lands Subcommittee  
1333 Longworth House Office Building  
Washington, DC 20515

The Honorable Rob Bishop  
Ranking Member  
House National Parks, Forests and Public  
Lands Subcommittee  
1333 Longworth House Office Building  
Washington, DC 20515

May 29, 2007

Dear Chairman Grijalva and Congressman Bishop:

On behalf of our 47 national and regional organizations and our many members, we write in support of The National Landscape Conservation System Act, H.R. 2016.

As you know, the 26-million-acre National Landscape Conservation System was established by the Secretary of the Interior to recognize and protect the outstanding lands and waters managed by the Bureau of Land Management (BLM). The Conservation System is comprised of BLM lands and waters designated for conservation by Congress or the President: National Monuments, National Conservation Areas, Wild and Scenic Rivers, National Scenic and Historic Trails, Wilderness Areas, Wilderness Study Areas, and other congressionally designated BLM conservation areas. The System, which comprises 10 percent of BLM-managed lands, protects the BLM's crown jewels, from Montana's Upper Missouri River Breaks National Monument to Colorado's Gunnison Gorge National Conservation Area.

Hundreds of thousands of Americans each year enjoy these nationally significant landscapes, through recreation such as hunting, river rafting and hiking, as well as outdoor education for local schools, scientific research on valuable paleontological and archaeological resources, and more. For example, hikers, ecologists and other visitors to Oregon's biologically diverse Cascade-Siskiyou National Monument enjoy an unparalleled diversity of butterflies, animal species, unique fish and mollusks, and rare plants.

The National Landscape Conservation System is a network of some of the last places where visitors can experience the history and wild beauty of the American West. Although the most recent Democratic and Republican administrations have both supported the System administratively, it lacks statutory recognition—keeping the great recreational, natural and scientific resources of the Conservation System hidden from many Americans who stand to benefit from them. By enacting codifying legislation, Congress will ensure the System's permanence and an enduring legacy of the West's natural and cultural heritage for future generations.

In conclusion, enactment of H.R. 2016 will permanently establish perhaps the last great American system of protected lands, and we hope the Committee will favorably report this important piece of public lands legislation.

Sincerely,

Gregory A. Miller, Ph.D., President  
American Hiking Society

Rebecca R. Wodder, President  
American Rivers

Nancy Somerville, Executive Vice  
President/CEO  
American Society of Landscape Architects

Kevin Gaither-Banchoff, Executive Director  
Arizona Wilderness Coalition

Mary Jo Forman Miller, President  
Arizona Wildlife Federation

Jeff Williamson, CEO/President  
Arizona Zoological Society

Mary L. Wells, Executive Director  
California Wilderness Coalition

Mike Matz, Executive Director  
Campaign for America's Wilderness

Michael Finkelstein, Executive Director  
Center for Biological Diversity

Barstow Magraw, President  
Center for International Environmental Law  
(CIEL)

Nancy Gentis, President  
Citizens Action Committee for Tule Springs  
(CACTuS)

Carolyn Campbell, Executive Director  
Coalition for Sonoran Desert Protection

Rodger Schlickeisen, President  
Defenders of Wildlife

Vawter Parker, Executive Director  
Earthjustice

Fred Krupp, President  
Environmental Defense

Dr. Peter Welsh, President  
Friends of the Agua Fria National Monument

Brent Blackwelder, President  
Friends of the Earth

Nancy Hall, President Friends of Gold Butte	Kent Salazar, President New Mexico Wildlife Federation
Murray Bolesta, President Friends of Ironwood Forest	Bill Marlett, Executive Director Oregon Natural Desert Association
Dennis Tighe, President Friends of the Missouri Breaks Monument	Frank Hugelmeyer, President Outdoor Industry Association (OIA)
Bill James, President Friends of Sloan	Gary Werner, Executive Director Partnership for the National Trails System
Bill Hedden, Executive Director Grand Canyon Trust	Jeff Ruch, Executive Director Public Employees for Environmental Responsibility (PEER)
Kelly Burke, Executive Director Grand Canyon Wildlands Council	Martha Marks, President Republicans for Environmental Protection
Mike Satter, President Grand Staircase Escalante Partners	Annie Wallace, Executive Director Rincon Institute
Rick Johnson, Executive Director Idaho Conservation League	Mark Pearson, Executive Director San Juan Citizens Alliance
Tim Baker, Executive Director Montana Wilderness Association	Carl Pope, Executive Director Sierra Club
J. Kent Marlor, PhD, President Idaho Wildlife Federation	Dave Willis, Chair Soda Mountain Wilderness Council
Craig Sharpe, Executive Director. Montana Wildlife Federation	Luther Propst, Executive Director Sonoran Institute
Richard Moe, President National Trust for Historic Preservation	Scott Groene, Executive Director Southern Utah Wilderness Alliance
Larry Schweiger, President & CEO National Wildlife Federation	Bob Schneider, President Tuleyome
Kevin Cabbie, President Nevada Wildlife Federation	Margie Alt, Executive Director US PIRG
Stephen Capra, Executive Director New Mexico Wilderness Alliance	William H. Meadows, President The Wilderness Society

Cc: Congressman Nick J. Rahall, Chair, House Natural Resources Committee  
Congressman Don Young, Ranking Member, House Natural Resources Committee  
Members of the National Parks, Forests and Public Lands Subcommittee

Mr. GRIJALVA. Thank you, sir. Let me turn to Mr. Richard Moe, President, National Trust for Historic Preservation. Welcome, and your testimony, sir.

**STATEMENT OF RICHARD MOE, PRESIDENT,  
NATIONAL TRUST FOR HISTORIC PRESERVATION**

Mr. MOE. Thank you, Mr. Chairman, very much for holding this hearing and for inviting the National Trust to testify here today in support of your bill, H.R. 2016, a bill that would recognize the National Landscape Conservation System, lands that really comprise the crown jewels of the BLM inventory. The National Trust is very pleased and grateful that you, Mr. Chairman, together with Representatives Bono, Renzi, and Moran, are leading the effort to codify this system.

The National Landscape Conservation System, as my colleague, Mr. Meadows, has said, is a network of last places, the very last

places where you can experience the history and the wild beauty of the American West. It brings together the crown jewels, literally, of BLM's 264 million acres. With more than 866 individual units, it comprises 10 percent of the total land administered by BLM. And I think it is fair to say that in terms of the natural and cultural resources contained, these are the most significant lands in BLM.

H.R. 2016 is very simple legislation that would codify the system which has been administratively supported by recent Presidents but has not yet received a congressional stamp of approval, which is what this bill would do. And I am very pleased to know the Bush administration is supporting this legislation.

The system currently exists as an administrative function, which could be changed under any future administration. And codification would provide it with the additional recognition that it deserves. Americans, I believe, want these conservation lands preserved, but only Congress can give them the official stamp of approval that they need and deserve. Codification will recognize a single unifying system to which these extraordinary lands will belong, raising the profile of these outstanding areas instead of each unit standing alone.

Like many Americans, I thought for a long time that historic preservation was just about saving grand historic and architectural landmarks. There is no question that is a large part of what preservation is about. But the more time I have spent in the West, and I have spent a good deal of time in the West, the more I have realized that preservation is about more than that. It is also about the very first imprints that man made on the land, the rock art, the cliff dwellings, the pueblos, the kivas, and the other remnants of the earliest civilizations that flourished there. These cultural resources represent the opening chapters in the story of what has become America. They represent the heritage of the first Americans, and thus are part of our heritage as well.

Mr. Chairman, so I urge your support for this important legislation. Official statutory status would raise the recognition of these unique cultural and natural resources. That does not mean that the BLM must abandon its traditional multiple-use mandate. On the contrary, clearly, people should continue to have wide access to them and be able to enjoy them. In fact, codification of the conservation system would not impact private in-holdings or lands managed by other agencies, would not alter existing oil and gas or grazing leases or other grandfathered uses, would not limit public access or activities such as fishing and hunting, or in any way affect units that are co-managed with other Federal agencies, as only BLM lands would be included in the system. And it would not affect the underlying enabling legislation for individual units.

The National Landscape Conservation System includes landscapes that allow us to see the West through the eyes of the original inhabitants or as it appeared to the first European explorers and settlers. They also include the tangible remains of thousands of years of human interaction with the land, ranging from the ruins of prehistoric Native American pueblos to the wagon ruts left by western-bound pioneers and the remnants of mine shafts and farmhouses left by those who sought to make a living out of the rock and soil of the Western frontier.

Whether natural or cultural, these resources open windows to the past, offering a glimpse, often the only glimpse available to us, of the people who were here before us, the land they found here, and the lives they lived on.

H.R. 2016 will permanently establish perhaps the last great American system of protected lands. By enacting codifying legislation, Congress will ensure that the systems will be permanent and an enduring legacy of the West's natural and cultural heritage for future generations.

Thank you again, Mr. Chairman, for your leadership.

Mr. GRIJALVA. Thank you for your testimony. I appreciate it very much.

[The prepared statement of Mr. Moe follows:]

**Statement of Richard Moe, President,  
The National Trust for Historic Preservation**

Mr. Chairman and members of the Subcommittee, my name is Richard Moe and I am the President of the National Trust for Historic Preservation. I am speaking to you today in support of H.R. 2016, a bill that would recognize the National Landscape Conservation System, lands that comprise the crown jewels of the Bureau of Land Management (BLM) inventory. The National Trust is very pleased and grateful to the Chairman and Representatives Bono, Moran and Renzi for leading the effort to codify the Conservation System and I urge the Members of the Subcommittee to support this measure.

**Background on the National Trust**

For more than 50 years, the National Trust for Historic Preservation has been helping to protect the nation's historic resources. Chartered by Congress in 1949, the National Trust is a private, nonprofit membership organization dedicated to protecting the irreplaceable. Recipient of the National Humanities Medal, the Trust leads a vigorous preservation movement that is saving the best of our past for the future by preserving America's diverse historic places and revitalizing communities. Its Washington, DC headquarters staff, six regional offices and 29 historic sites work with the Trust's quarter-million members and thousands of local community groups in all 50 states. Its mission has expanded since its founding in 1949 just as the need for historic preservation has grown. When historic places are destroyed or allowed to deteriorate we lose a part of our past forever.

**H.R. 2016 and the Conservation System**

H.R. 2016 provides an important Congressional stamp of approval by affording the BLM's National Landscape Conservation System permanent statutory recognition. Like many Americans, I thought for a long time that historic preservation was just about saving grand historic and architectural landmarks. There is no question that this is part of what preservation is all about. But the more time I have spent in the West, the more I have realized that preservation is much more than that. It is also about the very first imprints that man made on the land—the rock art, cliff dwellings, pueblos, kivas and other remnants of the earliest civilizations that flourished there. These cultural resources, mostly found in the West, represent the opening chapters in the story of America. They represent the heritage of the first Americans and thus are part of our heritage as well. Not all of these tremendous places are in the Conservation System's inventory, but those that are represent the top tier of this country's acreage under the Bureau of Land Management.

The National Landscape Conservation System is a network of the last places where you can experience the history and wild beauty of the American West. The 26-million-acre System was established by the Secretary of the Interior in 2000 to recognize and protect the best of the lands and waters managed by the Bureau of Land Management. The Conservation System brings together the crown jewels of BLM's 264 million acres—specifically, all the agency's National Monuments, National Conservation Areas, Wild and Scenic Rivers, National Scenic and Historic Trails, Wilderness, and Wilderness Study Areas. With more than 866 individual units, it comprises 10 percent of the land managed by the BLM.

Formal codification would provide the System with the heightened recognition it deserves. Without authorization, there currently is no guarantee that the System will be around five years from now.



### **Icons of the American Experience**

This month we celebrate the 400th anniversary of the founding of Jamestown, the first permanent settlement in English-speaking America. But, for thousands of years before the first Europeans arrived, there were people on this continent who represented highly developed civilizations and who were proficient in art, architecture, agriculture and astronomy. These were the first Americans, and their story is also part of our common heritage. The National Landscape Conservation System contains a number of important areas rich in artifacts from these civilizations. Let me share with you two examples.

Canyons of the Ancients National Monument lies in the far southwestern corner of Colorado. The mesas and canyons of this place encompass an incredibly rich collection of archaeological sites. More than 6,000 have been recorded, and thousands more are believed to exist—up to 300 sites per square mile in some areas, the highest known density in the United States. The full sweep of the region's history can be traced in this landscape—from the early ranchers whose descendants still live here, all the way back to the ancient hunters who crossed the area 10,000 years ago. I wish every American could experience Canyons of the Ancients. There is no other place like it.

The Agua Fria National Monument is located 40 miles north of Phoenix. While it's not nearly as large as Canyons of the Ancients, Agua Fria is abundantly rich in archaeological resources, including more than 130 pueblo sites, stone forts, terraced agricultural fields and a stunning array of rock art. Scientists have linked many of these sites to the Perry Mesa Tradition, a previously unknown culture that flourished here from 500 to 700 years ago. More recent history is reflected in the remnants of Basque shepherders' camps, mining structures and military sites—all scattered across a landscape that makes the monument a scenic, as well as cultural, treasure.

I urge your support of the legislation before the Subcommittee today. Congress should codify the Conservation System. Official statutory basis would raise recognition of the unique archeological and cultural resources of the Conservation System. This does not mean that BLM must abandon its traditional multiple-use mandate. Clearly, people should have wide access to BLM lands and be able to enjoy them. In fact, Codification of the Conservation System would not impact private in-holdings or lands managed by other agencies; alter existing oil and gas or grazing leases or other grandfathered uses; limit public access or activities such as fishing and hunting; or in any way affect units that are co-managed with other federal agencies, as only BLM lands would be included in the System. It would not affect the underlying enabling legislation for individual units.

### **Conclusion**

The National Landscape Conservation System includes landscapes that allow us to see the West through the eyes of its original inhabitants, or as it appeared to the first European explorers and settlers. It also includes the tangible remains of thousands of years of human interaction with the land, ranging from the ruins of prehistoric Native American pueblos to the wagon ruts left by westward-bound pioneers and the remnants of mineshafts and farmhouses left by those who sought to make a living out of the rock and soil of the Western frontier. Whether natural or cultural, these resources open windows to the past, offering a glimpse—often the only glimpse available to us—of the people who were here before us, the land they found here and the lives they lived on it.

H.R. 2016 will Congressionally recognize perhaps the last great American system of protected lands. By enacting codifying legislation, Congress will ensure the System's permanence and an enduring legacy of the West's natural and cultural heritage for future generations.

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Mr. GRIJALVA. And let me turn to Ms. Cindy Deacon Williams, Director of Aquatic Science and Education Programs, National Center for Conservation Science and Policy. Welcome. And your testimony, please.

### **STATEMENT OF CINDY DEACON WILLIAMS, DIRECTOR OF AQUATIC SCIENCE AND EDUCATION PROGRAMS, NATIONAL CENTER FOR CONSERVATION SCIENCE AND POLICY**

Ms. WILLIAMS. Thank you very much, Mr. Chairman, and members of the Subcommittee. I am delighted to be here today to talk

to you about this important piece of legislation. I will make four points in today's testimony.

First, as you heard from almost everyone else who has been up here so far today, the lands encompassed within the conservation system have great value. I would like to make the point that they also have not just great value in general, but that they have great scientific value, and that that value is intrinsic. They include many important cultural, archeological, social, paleontological, geological, and biological resources.

Extensive evidence of 13,000 years of human history can be found on BLM-administered lands. And scientific study of these resources is providing important insights into how people, ranging from the prehistoric native nations to the 19th and 20th century pioneers, lived on and with the land. Study of fossils found on BLM-administered lands is providing insight into the evolution of plant and animal communities and the responses of ecosystems to global changes. Those insights are likely to be of use as we face those global changes that are looming in our future.

As a biologist I, of course, am most impressed by the numerous unique plant and animal species that are found on BLM-administered lands, including both at-risk species and ecosystems and those that are not at any risk at all.

I will lean a little bit on my own back yard, on the Cascade-Siskiyou National Monument. We have recently documented 114 different species of butterfly on the Cascade-Siskiyou. And that is a concentration unheard of anywhere else in North America. We have also identified four freshwater mollusks, and found the highest concentration of macroinvertebrates in the whole Cascade area. What is a macroinvertebrate? Those are those water bugs that, if you are an angler, you are particularly interested in because of their role in the food chain for the fish that you like to catch. This amazingly high diversity of macroinvertebrates found 62 different species in a single ripple. I have been a biologist and a fisheries biologist for 30 years and have never, ever come across anything like that elsewhere.

The second point that I would like to make is that the design concept of the conservation system increases the scientific value that is inherent in those lands. It now seems just common sense that important archeological sites can't be understood if they are limited to a half-acre enclosure in a parking lot, much less likely that they would survive the attention of vandals.

No one would expect a critical population of plants to survive if it is surrounded by thousands of acres that are infested with an exotic invasive weed. Seven years ago, with the administrative establishment of the National Landscape Conservation System, that truth that has now been grounded solidly in conservation biology was recognized. And the system was set up administratively with the idea that it should protect and allow an expansion of human knowledge through the study of entire ecosystems and archeological communities. This was a fundamental shift that is very, very important from a scientific perspective.

The third point that I would like to make is that the conservation system does provide significant opportunities to increase the sum of human scientific knowledge. It provides us opportunities

both to investigate fundamental questions that are core to our way of dealing with the world in front of us over the long term, and also to conduct applied research that is immediately relevant to management on Federal lands. On the Cascade-Siskiyou we are engaged in an extensive collaborative research opportunity right now that involves a total of 25 different research studies, some of them that our organization is leading, and some that are being led by the BLM, but all of which are cooperative in nature.

The fourth point is that congressional recognition of the conservation system will improve the scientific returns to society from these lands. Permanency will trigger a maturation of the national perspective that over time will make it possible for the conservation system to be recognized within the agency as an important and cherished responsibility.

A systemwide viewpoint also is likely to trigger researchers to tackle broader issues like climate change and invasive species, and encourage managers to share and apply the scientific results on an agencywide basis. Permanency also is, frankly, likely to increase the attention that is paid to these resources by researchers. There is no question that the National Landscape Conservation System contains resources of scientific interest, and securing permanent protection will return those values to society at a much increased rate.

A wise man once noted that if what is unique about being human is our ability to know, then every time we destroy an opportunity to know, we destroy an opportunity to be human. Permanent protection of the landscape system is an important step not only for conservation of the resources but for protecting our opportunity to be human. Thank you.

Mr. GRIJALVA. Thank you very much.

[The prepared statement of Ms. Williams follows:]

**Statement of Cindy Deacon Williams, M.S., Senior Scientist and Director of Aquatic Science, and Conservation Education Programs, National Center for Conservation Science & Policy**

Chairman Grijalva and committee members, thank you for this opportunity to testify in support of H.R. 2016, a bill that would acknowledge the national significance of scientifically important lands administered by the Bureau of Land Management (BLM) by recognizing the National Landscape Conservation System to conserve, protect, and restore them.

My name is Cindy Deacon Williams. I am Director of Aquatic Science and Conservation Education Programs for the National Center for Conservation Science & Policy, a science-based conservation organization in Ashland, OR. I have been a research scientist and policy analyst for nearly 30 years, including a four-year period in the mid-1990s during which I worked for the USDA Forest Service on federal lands management programs and policies. My organization currently is completing seven scientific studies on the Cascade-Siskiyou National Monument, a unit of the Conservation System located in southwest Oregon.

I will make four main points in today's testimony:

1. The lands encompassed within Conservation System have great intrinsic scientific value,
2. The design of the Conservation System increases its scientific value,
3. The Conservation System provides significant opportunities to increase our scientific knowledge,
4. Congressional recognition of the System, with a coherent National purpose, will increase the scientific returns to society from these lands.

### **The 26-million-acre National Landscape Conservation System Encompasses Many Resources with Outstanding Scientific Value**

Despite a past reputation as the “lands no one wanted,” the lands administered by the Bureau of Land Management include many important cultural, archeological, social, paleontological, geological and biological resources. When it was administratively created in 2000, the National Landscape Conservation System collected some of the most notable of these lands (Vanasselt and Layke 2006). For example:

- *Cultural*: Extensive evidence of 13,000 years of human history can be found on BLM-administered lands. Scientific examination and study of these resources is providing insight into how people, ranging from prehistoric Native Americans to 19th and 20th century pioneers, lived on and with the land. Archaeologists estimate there are likely to be 4.5 million cultural sites on all BLM-administered lands.
- *Paleontological*: Fossils found on BLM-administered lands provide important insight into the evolution of plant and animal communities, the systematic relationship between species, and the response of ecosystems to global changes in their environment. The understandings gained from study of these paleontological resources can help us predict impacts and responses likely to occur in our future and that of our grandchildren in the face of current global changes.
- *Biological*: Numerous unique plant and animal species are found on BLM-administered lands, including 228 plant and animal species listed as threatened or endangered and more than 1,500 additional “sensitive” species that are at some risk due to a reduction in the number of individuals or a naturally limited distribution. In addition, BLM administers 144,000 miles of streamside riparian areas and 13 million acres of wetlands—providing water resources that hold an especially critical place in the ecological web of life, supporting hundreds of other species not at risk of extinction, such as pronghorn antelope, mule deer, bighorn sheep, elk, and numerous birds.

### **The Cascade-Siskiyou National Monument—an illustration of the biological richness to be found within the Conservation System.**

As a biologist, I must admit that my particular interest lies with exploring and understanding the wealth of biological resources to be found on Conservation System lands. In my own backyard, the nearly 53,000 acre Cascade-Siskiyou National Monument has many nationally unique fish and wildlife communities, amply illustrating the biological richness to be found on Conservation System lands.

This Monument is considered a unique “biological crossroads,” linking the botanically rich Siskiyou with the Cascades. It is home to rare fish and aquatic species, some of which only recently have been discovered by scientists. The Monument’s rich botanical diversity is associated with an extraordinary richness of butterflies unique in western North America, 114 species recently were recorded by scientists. The Monument also supports notable aquatic diversity, with nine freshwater mollusks whose entire distribution is limited primarily to the Monument’s springs and streams (Frest and Johannes 1999) and, on Dutch Oven Creek where 62 different taxa were collected from a single site, a higher diversity of aquatic macroinvertebrates (insects, snails, etc.) than previously had been recorded from anywhere in the Klamath Mountains Ecoregion.

### **The “Design Concept” of the National Landscape Conservation System Increases Its Scientific Value**

When the National Landscape Conservation System was administratively created in June of 2000, it was established with the idea that the Conservation System should protect—and allow an expansion of human knowledge through the study of—entire ecosystems and archeological communities. This was a fundamental departure from the past practice of protecting and studying small tracts that encompass the core portion of the object of interest while excluding critical, albeit more peripheral, components.

This founding concept reflects experience with the frustrations of past attempts to protect important cultural and scientific resources for posterity. In retrospect, it appears to be “just common sense” that an important archeological site cannot be understood if it stands as a 1/2-acre enclosure in a parking lot, and reasonable to assume such a site would be unlikely to survive the propensity of vandals to cause havoc. Similarly, no one today would be likely to expect a critical population of native plants to survive and continue to support its dependent butterfly populations if it is surrounded by a thousand acres overrun by an invasive exotic weed.

This important sum of the parts strategy also demonstrates understandings regarding the importance of an ecosystem approach that were gained from developments within the field of conservation biology. We now know that subpopulations of a species are unlikely to survive through time if they are artificially isolated from

other portions of the species. Maintaining connections between subpopulations is vital as it provides an important, almost strategic insurance policy for species that might otherwise become extirpated as a result of flood, fire, hurricane, drought or other natural or human-caused disturbance (Hanski and Gilpin 1997, Williams and Williams 2004)—when isolated, the threats facing a population are more likely to “overwhelm in detail.”

My childhood and early professional years were colored by a perfect illustration of how expensive it can be to think too narrowly. In 1952, President Harry Truman designated Devils Hole, located in southwestern Nevada, as a disjunct part of Death Valley National Monument. The proclamation included a water-filled cavern—sporting unique geological characteristics and a species of fish found nowhere else in the world—and a mere 40 acres that were carefully “confined to the smallest area” around Devils Hole where the President could draw a line. In the 1960s, the BLM disposed of most federal land in the area. Subsequent battles to conserve the biological and geological objects of scientific interest in Devils Hole from the ecological impact of successive agricultural and residential development were inevitable—the original designation focused on the core feature of the ecosystem and not the ecosystem itself. Ultimately, Congress authorized purchase of 13,320 acres from private willing sellers and the incorporation of additional acres still administered by the BLM to encompass the ecologically and hydrologically connected Ash Meadows area into a coherent ecosystem management unit to be managed in conjunction with the originally designated 40 acres immediately around Devils Hole; a step not recognized as necessary to preserve and learn from the ecosystem’s geological and biological resources. When all was said and done, the expansion to incorporate Devils Hole’s critical peripheral components made the exercise unnecessarily costly, both socially and financially, and nearly led to the extinction of the fish (Deacon and Williams 1991).

Fortunately, the original administrative concept for the National Landscape Conservation System explicitly recognized these potential administrative and ecological hurdles. Wisely, the proposed legislation is drafted so as to permanently honor that science-based design concept in its establishment of the Conservation System.

#### **The Lands Within the National Landscape Conservation System Provide Significant Opportunities to Increase our Scientific Knowledge**

The wide range of cultural, archeological, social, paleontological, geological and biological resources within the Conservation System, aptly acknowledged as representing some of the nation’s crown jewels, provide many research opportunities, including:

- Options to examine fundamental questions and generate answers to underlying questions of interest and value to society’s understanding of the world, and
- Opportunities to conduct applied research designed to answer questions relevant to improving management of other federal lands.

Research currently occurring on Conservation System lands touches upon geology and paleontology; hydrology and climate; restoration and rangeland health; archaeology; conservation education; sustainable architecture; public involvement and partnerships; pinyon-juniper woodlands ecosystem dynamics and vegetative management; native plants; exotic cheatgrass propagation; and groundwater, water quality, and aquatic ecosystems. Some of the fundamental research is unraveling ancient stories set in the world of dinosaurs; other research is exploring the results of movement of ancient waters through red rock sandstone and is finding analogs to hematite concretions on Mars. Some of the applied research is examining socioeconomic trends and transitions, other research looks at the role of climate and land use on ecosystem dynamics, the impact of past management practices, and trends in recreational impacts in the backcountry and dispersed areas. In all, the amount of information shared, knowledge gained, and understanding secured due to scientific investigations on Conservation System lands—including both that rooted in the scientific world and that anchored in differences of social perspective—is impressive and has contributed to improvements in management of federal lands and helped foster scientific and community partnerships. And, those benefits continue to accrue as the sharing of information, knowledge, and understanding grows.

In southwestern Oregon, we hope to secure the benefits that accrue from shared scientific knowledge and understanding—that is, improved resource management informed by a shared, credible information base—as a result of extensive focused research now occurring on the Cascade-Siskiyou National Monument.

Several years ago, as part of an effort to foster collaborative research, the BLM has been conducting 18 field studies and monitoring projects on the Cascade-Siskiyou. In addition, from 2003-06 the World Wildlife Fund’s Klamath-Siskiyou Regional Field Office coordinated a multi-taxa collaborative investigation of the Monument’s objects of biological interest. That work since has been transferred to the

National Center for Conservation Science & Policy for completion. Our studies are focused on:

- Bird monitoring, with stations along 25 point count routes in mixed conifer and oak woodlands;
- Small-mammals, with 16 study sites in mixed conifer and oak woodlands;
- Aquatic snails, with distributional analysis examining 57 springs and seeps;
- Stream and riparian habitat, water temperature, and aquatic invertebrates, with multiple sites at six creeks (including Dutch Oven, East Fork Camp, Jenny, Keene, Mill, and South Fork Keene);
- Greene's Mariposa lily, with examination of more than 80 population clusters in oak woodlands;
- Butterfly richness and composition, with 27 transects in mixed conifer and oak woodlands; and
- Natural ecosystem dynamics.

Once the results of these 25 research projects complete scientific peer-review, they will comprise the most comprehensive scientific understanding of an ecosystem ever enjoyed by a BLM manager, the scientific community, and the public.

**Providing Permanent Protection to the Conservation System Will Increase the Value of These Resources to Society**

H.R. 2016 will provide critical and long overdue congressional recognition for the National Landscape Conservation System. Importantly, this legislation will establish a coherent, much-needed system-wide identity. Permanency undoubtedly will trigger the maturation of a national perspective for the Conservation System that is "bigger" than the BLM districts that are separately charged with management of individual units.

An "enlarged" system-wide perspective will have subtle impacts on BLM field managers and their staff that, over time, will make it possible for the Conservation System to be recognized within the agency as an important and cherished responsibility. From a scientific perspective, a system-wide viewpoint likely will induce researchers to examine broad issues (e.g., climate change, invasive species) and encourage managers to share and apply the results of these scientific findings on an agency-wide basis—as well as allow researchers and managers to continue to benefit from the pursuit of answers to unit-specific research questions.

Finally, the permanent establishment of the Conservation System is likely to increase the attention paid to the lands by research institutions, researchers, policy-makers and the general public—all of which are likely to create a circumstance in which society as a whole will receive a greater benefit.

**Conclusion**

The National Landscape Conservation System contains resources of national scientific importance. Securing permanent recognition of the Conservation System is critical to ensuring these initial steps will continue to accrue benefits to the BLM and the nation. With permanent recognition we will have an opportunity to enjoy and learn the most we can from these natural and cultural treasures.

A wise man once noted that if what is unique about being human is our ability to know, then every time we destroy an opportunity to know, we destroy an opportunity to be human. Permanent protection of the National Landscape Conservation System is an important step, not only in conservation of the valuable cultural and scientific resources found on Conservation System lands, but also in protecting the opportunity for our species to be human.

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Mr. GRIJALVA. Let me now turn to Mr. Randy Gray, former mayor of Great Falls, Montana. Welcome, sir, Mr. Mayor, and your testimony.

**STATEMENT OF RANDY GRAY, FORMER MAYOR,  
GREAT FALLS, MONTANA**

Mr. GRAY. Mr. Chairman and members of the committee, thanks for the occasion to testify before this subcommittee on H.R. 2016, the National Landscape Conservation System Act.

I am Randy Gray. I am a resident and former three-term mayor of the great city of Great Falls, Montana. I was also a city commissioner of that town, and I have served as a trustee for the CM Russell Museum in that same town. And I have helped form, and, for many years, served on the board of the Great Falls Development Authority, which is an economic—regional economic development entity in our area that has generated a substantial amount of economic opportunity throughout the north central Montana area.

Great Falls is a wonderful town that is fortunate to have a number of these special places protected by the National Landscape Conservation System close by. They are in our back yard. We are proud to be a gateway community for the BLM's conservation system, and appreciate the opportunity to comment on the significance of this proposed act.

The National Landscape Conservation System is comprised of lands and waters under the BLM's management that have been congressionally and Presidentially designated, including national monuments, national scenic and historic trails, wilderness areas, and other important areas. These landscapes have many essential values, including opportunities for scientific research and education, recreation, and, yes, local economic benefit. These are places where people in my town and other Western communities can enjoy occasions as simple as family picnics and historical exploration, and as exciting as multi-day float trips and backpacking adventures.

Residents of our town and, importantly, visitors from all over the State of Montana, from all over the country, and in fact from all over the world, can go out to these places to enjoy themselves, discover themselves, get lost in the protected areas that allow for visitors to experience and study the American West as it was viewed by America's first residents and explorers.

I would like to take this opportunity to offer my personal perspective on what makes the BLM's conservation system an invaluable benefit to my city and other gateway communities across the West. We are lucky enough to have three conservation system units in our vicinity: the Wild and Scenic Missouri River, the Lewis and Clark National Historic Trail, and the Upper Missouri Breaks National Monument. The river and trail pass through my community, and the monument is located within a short drive of my community. The Nation recently celebrated the bicentennial of Lewis and Clark's famed expedition across America, and Great Falls was a proud host of one of the 10 national signature events for the Lewis and Clark bicentennial celebration. That celebration brought vast numbers of tourists through our town and visitors. Today visitors to the Missouri River can experience the same rugged river

and stunning vistas noted by Lewis and Clark on their epic journey.

I am myself both a hunter and a canoeist, and I personally enjoy these areas that I just spoke of. They are our national and historic treasures. And many other people in my community also enjoy those amenities. These special places have made Great Falls an attractive community for people to establish homes and businesses. The proximity of conservation system lands and waters makes our town an attractive location for businesses and residents looking to enjoy our quality of life. These protected areas have been important to diversifying the economy of north central Montana, and have helped make our State an attractive place to live.

In my time as mayor, it became apparent to me that these communities that are close to these sort of natural and historic treasures have enjoyed economic prosperity. And as mayor, many residents of our town discussed with me the benefits of these places to our own local economy. While we continue to benefit from important traditional resource-dependent industries, our economy has been diversified by tourism focused around conservation system lands and waters.

Very importantly, and perhaps more importantly, well-paying service sector jobs are brought by businesses attracted to the labor pool that is comprised of those who choose to settle near these natural amenities. These jobs ensure that our community can enjoy suitable—or, pardon me, sustainable economic prosperity, and that our children will benefit from a diverse local economy where employers and employees are equally attracted to our natural and historic resources.

In an extensive academic study completed in 2004, the Sonoran Institute determined that personal income, adjusted for inflation, grows faster in counties with a higher percentage of public land ownership, such as BLM or Forest Service lands, as compared to counties with a much smaller percentage of their land base in public ownership. Furthermore, Western counties with public lands protected from development show a greater increase in personal income. The study determined that counties where more than 60 percent of the Federal public lands are in some sort of a protected status, i.e. national park, national monument, have grown 66 percent faster from 1970 to 2000 than counties where the same percentage of public lands had no permanent protected status.

The National Landscape Conservation System Act is straightforward legislation that will simply ensure that these lands and waters have the permanent recognition they deserve. Congress has the opportunity to ensure that future generations of Montanans and other Americans can enjoy the unique experiences of the conservation system and the economic opportunities they create.

As the legacy of President Teddy Roosevelt has demonstrated, permanent recognition for protected public lands has proven time and time again to be of great public benefit, and a forward-looking decision that future generations will thank us for.

I want to thank the committee again for considering this important legislation, and hope that Congress can shepherd the bill forward toward passage. Thank you again for the opportunity to testify on this bill.



Mr. GRIJALVA. Thank you very much, Mr. Mayor.  
[The prepared statement of Mr. Gray follows:]

**Statement of Randy Gray**

Thank you for the occasion to testify before the House Natural Resources Subcommittee on National Parks, Forests and Public Lands on H.R. 2016, the National Landscape Conservation System Act. I am Randy Gray, resident and former mayor of Great Falls, Montana. I was also a city commissioner, trustee to the CM Russell Museum, and helped form and for many years served on the board of the Great Falls Development Authority, a regional economic development entity that has generated economic opportunity throughout the Great Falls trade region.

Great Falls is a wonderful town that is fortunate to have a number of special places protected by the National Landscape Conservation System close by. We are proud to be a gateway community for the BLM's Conservation System and appreciate the opportunity to comment on the significance of the National Landscape Conservation System Act.

The National Landscape Conservation System is comprised of lands and waters under the BLM's management that have been congressionally and presidentially designated, including National Monuments, National Scenic and Historic Trails, wilderness areas and other important places. These landscapes have many essential values including opportunities for scientific research, education, recreation, and local economic benefits. These are places where people in Great Falls and other western communities can enjoy occasions as simple as family picnics and historical exploration and as exciting as multi-day float trips and backpacking adventures. Residents of our town and, importantly, visitors from around Montana, the country and the world go to enjoy themselves, discover themselves, and get lost in protected areas that allow for visitors to experience and study the American West as it was viewed by America's first residents and explorers.

I would like to take this opportunity to offer my personal perspective on what makes the BLM's Conservation System an invaluable benefit to my city and other gateway communities. We are lucky enough to have three Conservation System units in our vicinity: the Wild and Scenic Missouri River, the Lewis and Clark National Historic Trail, and the Upper Missouri River Breaks National Monument. The river and trail pass through our community and the Monument is located within a short drive. These outstanding resources allow not only for recreation, but for exploration of our nation's history. The nation recently celebrated the bicentennial of Lewis and Clark's famed expedition through the area, and Great Falls was proud host of one of the ten national Lewis and Clark signature events, which brought a number of visitors through town. Today, visitors to the Missouri River can experience the same rugged river and stunning vistas noted by Lewis and Clark on their epic journey. It truly is both wild and scenic. I am both a hunter and canoeist and enjoy these natural and historical treasures myself, along with so many in our community.

These special places have made Great Falls an attractive community for people to establish homes and businesses and to enjoy their benefits and experience the big sky country as it was meant to be. The proximity of Conservation System lands and waters makes our town an attractive location for businesses and residents looking to enjoy our quality of life. These protected areas have been important to diversifying the economy of north central Montana and have helped make our state an attractive place to live. In my time as mayor, it became apparent to me that communities such as mine closest to these natural and historical treasures have enjoyed economic prosperity. And as mayor, many residents discussed with me the benefits of these places to the local economy. While we continue to benefit from important traditional resource-dependent industries, our economy has been diversified by tourism focused around Conservation System lands and waters. Very importantly, well-paying service sector jobs are brought by businesses attracted to the labor pool that chooses to settle near these amenities. These jobs ensure that our community can enjoy sustainable economic prosperity and that our children will benefit from a diverse local economy where employers and employees are equally attracted to our natural and historical resources.

In an extensive academic study complete in 2004, the Sonoran Institute determined that personal income, adjusted for inflation, grows faster in counties with a higher percentage of public land ownership, such as BLM or Forest Service lands, as compared to counties with a much smaller percentage of their land base in public ownership. Furthermore, western counties with public lands protected from development show a greater increase in personal income. The study determined that "counties where more than 60 percent of the federal public lands are in protected status

(...National Parks...National Monuments, etc.) have grown 66 percent faster from 1970 to 2000 than counties where the same percentage of public land had no permanent protective status.”

The National Landscape Conservation System Act is straightforward legislation that will simply ensure that these lands and waters will have the permanent recognition they deserve. Congress has the opportunity to ensure that future generations of Montanans and other Americans can enjoy the unique experiences of the Conservation System, and the economic opportunities they offer. As the legacy of President Teddy Roosevelt has demonstrated, permanent recognition of protected public lands has proven time and time again to be of great public benefit, and a forward-looking decision that future generations will thank us for.

I want to thank the committee again for considering this important legislation and hope that Congress can shepherd the bill towards passage. Thank you again for the opportunity to testify before the committee on this important bill.

Mr. GRIJALVA. Let me turn now to Mr. Orie Williams, chief executive officer of Doyon Limited. Sir, your testimony, and thank you for being here.

**STATEMENT OF ORIE WILLIAMS, CHIEF EXECUTIVE OFFICER,  
DOYON LIMITED**

Mr. WILLIAMS. Thank you, Mr. Chairman and members of the Subcommittee. Thank you for the opportunity to testify on H.R. 2016, a bill to establish the National Landscape Conservation System. I would especially like to thank my Congressman, Congressman Young, who is the Ranking Republican Member of the full committee, for his invitation to me to testify.

My name is Orie Williams. I am the CEO of Doyon Limited, an Alaska Native Regional Corporation, based in Fairbanks, Alaska. Doyon is one of 13 Alaska National Regional Corporations formed by Congress under the Alaska Native Claims Settlement Act. Doyon has more than 14,000 Alaska Native tribal shareholders, and the rights to 12.5 million acres of land in the interior of Alaska. Our mission is to provide economic and social opportunity for our people, to strengthen our native way of life, and to protect and enhance our land and resources.

We have worked with Congress and the Federal Government to meet the economic development promises made in the enactment of ANCSA in 1971 to settle the claims of Alaska Natives over use of Alaska lands. Doyon and several of the other corporations have lands that border on major areas of land covered by this legislation.

Under the current law, Alaskans would have a right to access through these areas, including under Title XI of the Alaska National Interest Lands Conservation Act. These rights of access meet the promise of ANCSA to provide for economic use of ANCSA lands. These were hard-won rights, secured by our Congressman, the Ranking Republican on this committee, Congressman Young.

In fact, there are several major portions of law, including the “No More” clause in ANILCA, that provides specific rights that would be affected by this legislation. Under the “No More” clause, the ability of the President to withdraw vast amounts of Federal lands using monument designation was prevented by act of Congress. That protection should not be lost to a locking-in of special management for wilderness study areas which have never been approved by Congress.

We have a long and positive relationship with Federal land management agencies. Perhaps because we are interested in continuing

that positive relationship, we are concerned about the burden placed on the BLM by this legislation. We have no objection to the current National Landscape Conservation System, but it is important to note that that is built upon a recognition that existing law and regulation applicable to each individual unit shall remain in place.

There is no overriding systemwide standard. The existing NLCS expressly recognizes that the NLCS does not create any new legal protections. This guarantee of specific land management law and regulation is missing from the legislation before this committee. We understand that the congressional sponsors want to add a statutory underpinning to the system, but the current administrative system created by the BLM in 2000 is largely untested. We have not seen any justification to change the management laws and regulations over these 800 units that are currently in the system and provide new and overriding conservation requirements.

The administration has testified that it supports the legislation because the legislation recognizes that individual management standards remain applicable to individual units. We don't see that language in this bill. It is important to understand the sweep of this legislation. If enacted without change, it would cover over 800 separate areas of land, totaling approximately 50 million acres of land, some of which has never been designated by Congress for special management. For a new system of management to apply to these lands, the public and interested parties in and around these BLM areas should receive far greater notice that management could be changed in one bill in Congress.

Millions of people around this country, especially in Western States, will be affected by this legislation. As land managers charged with protecting our heritage, our lands, and providing economic opportunity, we understand the burden of balancing multiple uses of important lands. In our view, land management requirements must be clear, and, in almost every event for Federal lands, should be specified by Congress when considering the best balance of uses for that particular land use. It is hard to see that the rules set by section 3 of this legislation for all the new systems considers what is best for each land area to be covered by the bill.

Our fundamental concern with H.R. 2016 is that it appears to set a new land management requirement for the 800 areas subject to the bill. Subsection 3(c) is simply not clear as to which laws and regulations apply to Federal lands that would be within the system. Unlike the current administrative program, which expressly states that each unit is to be managed under the laws and regulations applicable to that unit, subsection 3(c) provides no standard for each individual unit or land area, and instead puts in place a general systemwide standard. Further, it is not clear if the law and regulation applicable to any component, such as a wilderness area, should be applicable to any other unit in the system, such as a monument. These are drastically different types of units, subject to much different management.

Congress should not be vague in specifying what is the management standard. In our view, the current management standard, one that is applied on a unit-by-unit basis, based on enacted laws establishing the unit, is the proper standard. If Congress now in-

tends to provide a new and sweeping standard applicable to all these lands, it must be clear about that intent.

Finally, it is very important to clearly specify if and how existing Federal land management laws are being changed. The provisions of the Federal Land Policy and Management Act of 1976 and the major Alaska Lands Acts, ANILCA and ANCSA, were extremely hard fought and in many cases bargained for here in Congress, for all stakeholders. The Alaska Native community gave up many rights and access to traditional lands to reach agreements on these lands acts. We are now living with and respecting these laws. Congress should, too. If they are to be changed, particularly for a large amount of Federal lands, we believe that it is the duty of Congress to fully inform the affected communities and consult with tribes and ANCs. Since that is impossible on short notice, we ask that Congress respect the hard-fought Alaska lands battles of the past, and remove Alaska lands from this bill or, at a minimum, provide in the bill language that the bill does not modify, amend, or supersede the existing land right uses, requirements, and responsibilities of FLPMA, ANCSA, or ANILCA.

My time is up. I thank you for the opportunity.

Mr. GRIJALVA. Thank you, sir.

[The prepared statement of Mr. Williams follows:]

**Statement of Orie Williams, CEO, Doyon Limited**

Mr. Chairman and Members of the subcommittee, thank you for the opportunity to testify on H.R. 2016, a bill to establish the National Landscape Conservation System (NLCS). I would especially like to thank my Congressman, Don Young, who is also the Ranking Republican Member of the Full Committee for his invitation to me to testify today. My name is Orie Williams, I am the CEO of Doyon Limited, an Alaska Native Corporation. I appear here today on behalf of Doyon's more than 14,000 members and Tribal shareholders.

Doyon is one of thirteen Alaska Native Regional Corporations (ANCs), formed under congressional direction of the Alaska Native Claims Settlement Act. Doyon has more than 14,000 Alaska Native shareholders, and we are proud of our record on behalf of those shareholders. Our mission is to provide economic and social opportunity for our people, to strengthen our Native way of life and to protect and enhance our land and resources. We have worked with Congress and the federal government to meet the economic development promises made in the enactment of ANCSA in 1971 to settle the claims of Alaska Natives over use of Alaska lands.

Doyon and several of the other Corporations have lands that border on major areas of land covered by this legislation—the Steese National Conservation area, the Central Arctic Management Area (which is a wilderness study area), and several Wild and Scenic Rivers. Under current law, Alaskans would have a right of access through these areas, including under Title XI of the Alaska National Interest Lands Conservation Act. These rights of access meet the promise of ANCSA to provide for economic use of ANCSA lands. These were hard-won rights, secured by our Congressman, the Ranking Republican of this Committee, Congressman Young. In fact, there are several major portions of law, including the “No More” clause in ANILCA, that provide specific rights that would be affected by this legislation. Under the “No More” clause, the ability of the President to withdraw vast amounts of federal lands using Monument designation was prevented by Act of Congress. That protection should not be lost to a “locking in” of special management for wilderness study areas, which have never been approved by Congress.

We have a long and positive relationship with federal land management agencies, including the Bureau of Land Management. However, perhaps because we are interested in continuing that positive relationship, we are concerned about the burden placed on the BLM by this legislation. We have no objection to the current National Landscape Conservation System, but it is important to note that that is built upon a recognition that existing law and regulation applicable to each individual unit shall remain in place. There is no overriding “system-wide” standard. The existing NLCS expressly recognizes that “the NLCS does not create any new legal

protections.” This guarantee of specific land management law and regulation is missing from the legislation before this committee.

We understand that the Congressional sponsors want to add a statutory underpinning to this system. But the current administrative system is new since it was created by the BLM in 2000. It is largely untested. We have not seen any justification to change the management laws and regulations over these 800 units that are currently in the administrative system, and provide new and overriding conservation requirements. The Administration has testified that it supports this legislation because the legislation recognizes that individual management standards remain applicable to individual units. We don’t see that language in the bill.

It is important to understand the sweep of this legislation. If enacted, without change, it would cover over 800 separate areas of land, totaling approximately 50 million acres of land, some of which (wilderness study areas and most National Monuments) have never been designated by Congress for special management. It applies to 161 wilderness areas, totaling more than 6 million acres of land; 600 wilderness study areas, totaling almost 18 million acres; 38 Wild and Scenic Rivers, covering over 2,000 miles; Ten Historic Trails; 17 National Conservation Areas, totaling 15.4 million acres; 15 national Monuments, totaling 4.8 million acres, Two National Scenic Trails and a number of areas called “outstanding natural areas”, which are currently not listed in the NLCS. For a new system of management to apply to these lands, the public and interested parties in and around these BLM areas should receive far greater notice that management could be changed in one bill in Congress. Millions of people around this country, especially in western states, will be affected by this legislation.

As land managers charged with protecting our heritage, our lands, and providing economic opportunity, we understand the burden of balancing multiple uses of important lands. In our view, land management requirements must be clear, and, in almost every event for federal lands, should be specified by Congress when considering the best balance of uses for that particular land area. It is hard to see that the rules set by section 3 of this legislation for all of the new system considers what is best for each land area to be covered by the bill.

Our fundamental concern with H.R. 2016 is that it appears to set a new land management requirement for the 800+ areas subject to the bill. Subsection 3c is simply not clear as to which laws and regulations apply to the federal lands that would be within the new system. Subsection 3c requires the Secretary to “manage the system in accordance with any applicable law or regulation relating to any component of the system” and in a manner that protects the values for which the components of the system were designated. This standard would inevitably leave the land managers with great uncertainty, and lead only to prolonged litigation. Unlike the current administrative program which expressly states that each unit is to be managed under the laws and regulations applicable to that unit, subsection 3c provides no standard for each individual unit or land area, and instead puts in place a general, system-wide standard. Further, it is not clear if the law and regulation applicable to any component, such as a wilderness area, should be applicable to any other unit in the system, such as a Monument. These are drastically different types of units, subject to much different management. Congress should not be vague in specifying what is the management standard. In our view, the current management standard, one that is applied on a unit-by-unit basis, based on enacted laws establishing the unit, is the proper standard. If Congress now intends to provide a new and sweeping standard applicable to all of these lands, it must be clear about that intent.

Finally, it is very important to clearly specify if and how existing federal land management laws are being changed. The provisions of the Federal Land Policy and Management Act of 1976 (FLPMA) and the major Alaska Lands Acts, ANILCA and ANCSA, were extremely hard fought, and in many cases, bargained for, here in Congress and with stakeholders. The Alaska Native community gave up many rights and access to traditional lands to reach agreement on these Lands Acts. We are now living with and respecting these laws, Congress should too. If they are to be changed, particularly for a large amount of federal lands, we believe that it is the duty of Congress to fully inform the affected communities. Since that is impossible on short notice, we ask that Congress respect the hard-fought Alaska lands battles of the past, and remove Alaska lands from this bill or, at minimum, provide in bill language that the bill does not modify, amend, or supersede the existing land use rights, requirements and responsibilities of FLPMA, ANCSA or ANILCA.

We understand the intent of the sponsors is to provide for a cohesive system for the BLM, but not undermine or modify FLPMA, ANILCA or other federal laws. If that is the case, that intent needs to be more clearly stated in bill language, and to become part of the federal law. Without a statutory clarification concerning the

impact of this legislation on FLPMA, and rights under other major federal laws such as the access rights under Title XI of ANILCA, there will be many years of litigation and uncertainty for the communities and people who live, work and rely on these areas every day. We ask, respectfully, that the management standard to be used for lands within the bill recognize and defer to existing laws applicable to those units. We believe that is the congressional intent, as we understand it. A simple clarifying amendment could accomplish that result.

If, on the other hand, the Committee and sponsors seek to change FLPMA and other federal land management laws on a system-wide basis, we ask again, respectfully, that you do so only after full notice to communities around the country which would be impacted by such a change.

Thank you for the opportunity to testify before the Subcommittee today. I would be pleased to answer any questions the Members of the Subcommittee may have.

Mr. GRIJALVA. And for the questioning, let me turn to our Ranking Member, Mr. Young, for any questions you might have. Sir?

Mr. YOUNG. Thank you, Mr. Chairman, and thanks for the courtesy.

Mr. Williams, thank you for your testimony. You brought out the points that I mentioned to the Chairman. As this legislation moves forward, it is crucially important to recognize the 365 million acres in the State of Alaska; 147 million acres in 1980 was put aside in parks and refuges for the distinct use, as I heard some of the previous witnesses, for the wilderness experience. There is 104 million acres that belong to the State of Alaska. If you add that all up, there is 295 million acres that are now in some form of restriction, including State parks.

But Mr. Williams brings up a valid point. A lot of these decisions, especially the Alaska Natives—I was interested in listening to them talking about the forefathers, and the pueblos, etc.—we are dealing with live American Natives that fought the battle for 44 million acres of land. And they extinguished much of their rights because it was the will of this Congress, and we made a deal. And I am hoping that we will listen very carefully to Mr. Williams.

But Mr. Williams, would the legislation, as it is proposed, make it more difficult to access lands selected by Doyon under the Settlement Act?

Mr. WILLIAMS. Thank you, Congressman. In the areas that are covered by the bill, there would be a vague new management standard. The new system standard doesn't say anything about existing law, and it is not clear enough to guide BLM in permitting. It would be litigated. It doesn't say anything about ANCSA or the ANILCA Lands Act.

To use just one example, we chose lands using our rights under ANCSA that bordered the Forty Mile River area. This was before Forty Mile even became a Wild and Scenic River. Now, if this legislation passes, the rights we had guaranteed under ANCSA and under ANILCA, Title XI of the Lands Act, are not clearly protected. Please don't leave unclear our rights to access lands promised under ANCSA.

And, Mr. Chairman, I have a map I would like to add as part of the record that shows—

Mr. GRIJALVA. Without objection, it will be submitted to the Chairman.

Mr. YOUNG. Mr. Williams, is Doyon the only Alaska Native corporation or Alaska Native Lands Settlement Act that is affected by this legislation?

Mr. WILLIAMS. Thank you for the question, Congressman. No, Mr. Chairman and Congressman Young; because of the short notice of this hearing and the steamroller of this bill, we were only able to get ahold of the 12 ANCSA regional corporation CEOs groups within the last 24 hours. But within that 24-hour period, 7 of the 12 regional corporation CEOs have responded that they believe in my testimony, they support it. I am sure all the ANCSA CEOs do.

Mr. YOUNG. Mr. Chairman, again thank you, and let me restate what my biggest concern is. And I don't want to beg the issue. I was here for the Alaska National Lands Act and not the Native Land Claims Act itself. That passed in 1971. But they did reach an agreement as aboriginals. And this bill as written, he believes, as do the rest of my corporations up there, my tribes if you want to say, are deeply concerned it would infringe upon their rights.

Now maybe that is not the intent of the bill, but there are those in the audience and those with other interest groups that will litigate. They will sue. And the economic rights of these people as we granted them, and the right of their culture will be denied. And that is really the forked-tongue approach that concerns me.

So as we go through this process, if we can't improve this legislation, then at least give Alaska a chance to step aside because—as I mentioned—of those numbers we have, and really answer that question to my aboriginal people. Thank you, Mr. Chairman.

Mr. GRIJALVA. Thank you, Mr. Young.

Let me reiterate the opening comments I made, after your initial comment, that the staff and our office looks forward to working with you to ensure that the potential conflict that you see, and is not intended in the legislation, is dealt with. Thank you.

Mr. YOUNG. Mr. Chairman, before I leave, and I do have to leave, they are having a birthday party for me. You are invited to go when this hearing is over if you would like to come by. I am just reaching maturity age. So I have to go.

Mr. GRIJALVA. Thank you. Mr. Bishop.

Mr. BISHOP. Let me just thank the witnesses who are here. I appreciate your coming, especially at this really late date. This should have been done like 6 hours ago, and I apologize for that. I don't know if anyone from the Department of the Interior is still here. I would just want to express my deep disappointment in the Department for sending up somebody to testify on the part of this bill—even though she was willing to do it—who was clearly in pain, who has suffered an injury.

There are significant questions that need to be answered. And for the Department not to be able to have someone here who can actually testify without having to go through those personal problems is callous on the part of the Department of the Interior. I don't know why they did it, but I am offended that they would actually put her in that position, as well as this committee in that same position.

The other day I had somebody come into my office talking about No Child Left Behind, one of my other favorite elements of Congress. And she told me how good it was, because No Child Left Behind is finally forcing her to deal with minorities in this particular school district. That is why they want more money.

And as I was hearing this, I was thinking to myself, you know, what you are telling me is basically for 30 years you have done a lousy job or you have ignored your job, and now we have finally forced you to do what you are supposed to do, and you want to be rewarded for it. If you were doing your job, there would be no reason for the bill. Now if we need to force you to do your job, you shouldn't have the job in the first place.

This reminds me of the same kind—we have been told over and over again that this bill will not change any of the management practices. I agree that that is perhaps the intent of this bill, and I agree that is a laudatory intent at the same time. And it also has to come down to the fact that if you don't change any of the practices, there is no need for the bill. If you are going to codify something, there has to be some systemic problem that is prohibiting you from doing what you want to do, rather than simply having a different name tag or larger room or some other personal reason for it.

I do want to lay down the marker that I have no personal problem with creating this as a codified program. I do have problems with the language that has been initially drafted. I do agree with the gentleman from Alaska. The language in here is vague. And even though the intent is not to change any of the management practices, some of the language in here is boilerplate language from other elements within the Department of the Interior, who, with that same language, has been sued both in 1970 and 1978, and was forced to change their management styles and practices. Not because of the intent of Congress or the intent of the program, but because of the intent of lawsuits. That is why I do say this is a lawsuit waiting to happen.

And what our intentions are, which I think are laudable, I am sure the Chairman is honest with his intention, and it is a laudable intention of not changing the management practices—will indeed be subject to changes later on unless we clarify the language that is in this bill and make it specific that what we intend to do is indeed what we do. And right now this bill does not have that language in there.

So all your comments, I appreciate them. I don't have any problems with your comments. I think they are just fine. We have some wonderful programs that are being administered by the BLM. They are diverse. Why you want to put all the diverse things into one common practice is strange, but we are doing it, and they are doing it in a fairly effective process.

But at the same time, if we do actually codify this language for this program, then we are opening ourselves up for changes that will be above and beyond what anyone in this room claims to do or intends to do or even imagines to be possible. So I don't really have problems with the scope of this bill or the direction of this bill. I do have problems with the verbiage. And if the majority party will work with the minority, I think we will have a bill that is satisfactory to everyone involved. But it does depend on what the actual language is in this particular bill.

I thank you for coming here. I thank you for listening to me rant. It wasn't my intention of doing that, but someone had to hear it, and you unfortunately are the last ones in the room. I yield back.



Mr. GRIJALVA. Thank you, Mr. Bishop. And I am appreciative of the closing comment about working on the legislation, and look forward to it. And let me instruct the court reporter, if he will, at the end of Mr. Bishop's comments put a question mark? That way it is consistent with the question.

Mr. BISHOP. I will do this legitimately. How are you?

Mr. GRIJALVA. Thank you.

Let me, just to make your visit worthwhile, and also for my edification, ask a couple of questions. Mr. Moe, I have a co-major in history, and I am proof of the adage that history, if you don't listen to history it tends to repeat itself. And I ended up in politics.

But be that as it may, one of the things, and I think NLCS, because you spoke about it, for a long time I think much of the history, the focus of the history of this Nation of ours has been on the European settlement. And as you mentioned, the NLCS has an opportunity to address that situation and change. Jamestown is 400 years old. And some of these units, we are talking about human activity 4,000, 5,000, 6,000—and could you just expand on that?

Mr. MOE. Thank you, Mr. Chairman. I would be happy to expand on that. As a student of history, I commend your insight for seeing that relevance. I believe the American experience began in the West. I spent a lot of time in the Four Corners area of the West, which is probably the richest archeological part of this country. There are more archeologists in the Four Corners area of the United States than anyplace in the world outside of Egypt. That's how rich it is. And the riches that they are looking for are the signs of the earliest Americans. You know, some of these great places of the earliest Americans have been preserved by the National Park Service. And places like Mesa Verde, Chaco Canyon, Hovenweep, other great national parks. But that's not the full extent of it. There is so much more in Canyons of the Ancients in southwestern Colorado, in Agua Fria in your own State, and in other great places. And some of these are increasingly at risk for a variety of reasons. And it is important to preserve these places and to recognize their significance, as this legislation would do, in order that future Americans can understand that important part of our history. So that's very much an important part of what this bill would do.

Thank you, Mr. Chairman.

Mr. GRIJALVA. Thank you. And, Mr. Meadows, the often repeated question, concern, and rationale for not needing this legislation is that if NLCS is already protected under existing law, what is gained from establishing the NLCS in statute?

Mr. MEADOWS. I think it is important that Congress recognize the power and influence it has. And I think the recognition—the two most important words here, I think, are “recognition” and “permanence.” recognition that Congress would give the system is not lost on local communities, it is not lost on the BLM, it is not lost on those of us who work to try to protect the conservation values that are represented throughout these conservation units.

The permanence is really critical, too. While we are not threatened today with any kind of retrenchment on conservation landscape—the National Landscape Conservation System—there is some chance that in the future, a future administration might not

view this system in the same way. And we believe it important that we put down a recognition that we mark the importance of this system today. And we thank you and the committee for being willing to do that.

Mr. GRIJALVA. Thank you very much.

Ms. Williams, if you don't mind, I am going to submit—I have a series of questions, but time is pressing for a lot of reasons.

Ms. WILLIAMS. I would be happy to respond to any of your questions.

Mr. GRIJALVA. They deal with remote sites and why they are important in scientific research and various other questions. So if you don't mind, I will be submitting those questions to you, and your responses will be part of the record.

Ms. WILLIAMS. I would be happy to respond.

Mr. GRIJALVA. Mr. Mayor, back home there are monuments in the area, southern Arizona, near Tucson where I am from, and enjoy a great deal of local support. In fact, you know, there are always efforts to expand, to add to. But beyond that, do you also hear many times—and one of the witnesses that had to leave talked about—in his written testimony talks about the fact that there is no real local support for these units, these designations, and this effort to try to codify the system.

Big time mayor, that's the community you come from, can you talk about that local support and what it means, and then the issue of tourism? I mean, they can't stay overnight. I mean, there are no hotels or eating places in these areas, so they are going to go somewhere.

Mr. GRAY. Mr. Chairman, thanks for the question. In response, if you look at the entire State of Montana, there was overwhelming support among the residents of Montana for the creation of the national monument. There is overwhelming support in the State of Montana for the Lewis and Clark Trail and for the—all aspects of this National Landscape Conservation System that are in our backyard.

There are those who felt that they weren't adequately heard, but I had the opportunity to attend many of the public hearings that occurred in Montana; in fact, had the opportunity to introduce Secretary Babbitt when he was in my town, in Great Falls, Montana. And I personally witnessed Secretary Babbitt stand for 3 hours on the stage of the university of my town and personally answer every question that came in. He never shut the clock off. He let anybody ask any question they wanted. So there was ample opportunity for input. And the vast majority of Montanans, certainly the vast majority of people in my town, are supportive of these concepts.

So I can't say it any other way than that, Mr. Chairman, is that I believe that from a political point of view these landscapes have a tremendous amount of support from people in Great Falls, people in Montana, and people all over the United States.

Mr. GRIJALVA. Thank you.

And, Mr. Williams, your testimony is noted. The issues that you raised, we hope as this legislation moves forward that we will reach some level of satisfaction for yourself and the concerns that you raised. And I appreciate your testimony.

And I know Mr. Bishop has another question or comment.

Mr. BISHOP. I would.

Mr. Gray, I appreciate the comment you just made. Are you aware or did you have any kind of workings with the Missouri Breaks National Monument?

Mr. GRAY. Yes. Yes, sir.

Mr. BISHOP. So can you just explain, as far as the unanimous kind of bipartisan support, why, when that was passed in 2001—the Montana legislature in the Senate by a vote of 38 to 12, and in the House by a vote of 65 to 34—there was a bipartisan vote, passed resolutions urging opposition to the Missouri Breaks or the Missouri River National Monument that is now being administered by the BLM, or the fact that there are no county commissioners involved in that entire area who are still supportive of that national monument? That doesn't quite sound indicative to me of loyal happiness with what is going on there in Montana. Obviously there are some sectors, but I wouldn't call it unanimous in any degree, would you?

Mr. GRAY. No. I am sorry, Mr. Congressman, I don't believe I used the word "unanimous." I believe I said "overwhelming."

Mr. BISHOP. 38 to 12 ain't even overwhelming. You lost by that amount.

Mr. GRAY. Well, sir, the Governor that then supported that action is no longer the Governor of Montana. And that was, in my political opinion, one of the reasons that she no longer is the Governor of Montana. Montanans overwhelmingly supported these activities.

Mr. BISHOP. Is that why there are no county commissioners in that area that still support it?

Mr. GRAY. Well, it is an area that some of the county commissioners in fact, I think, are changing their opinions on how things might be out there. This landscape is now viewed as a very important part of diversifying the economy of north central Montana.

Mr. BISHOP. OK. We will let the data stand for itself. And I appreciate your tenacity, if not necessarily agreement with your veracity. But thank you, sir.

Mr. GRIJALVA. Thank you very much. I want to thank the panel, and close with a little discussion about what the intent of this legislation is. And I am trying to—and thank you very much for your testimony, all the panels.

The intent about these special places, these units, and that is that in the future—and I think Mr. Meadows mentioned that in the future, one of the permanencies that we would like to establish is that no President or administration with the stroke of a pen can destroy what has been set aside. And that is the intention. That is where we would like—that has been the primary motivation of this legislation, and will continue to be that.

With that, let me adjourn the meeting, and thank you very much for being here and for your indulgence all day long. I appreciate it.

[Whereupon, at 6:08 p.m., the Subcommittee was adjourned.]

